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No. १५] NEW DELHI, SATURDAY, APRIL 12, 1980/CHAITRA 23, 1902

इस भाग में भिन्न पृष्ठ संख्या वी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—लक्षण ३—उप-लक्षण (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों और (संघ राज्यसभेष प्रशासनों को छोड़ कर) केन्द्रीय प्राधिकारियों द्वारा जारी किए गए सांविधिक आवेदन और अधिसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities (other than the
Administrations of Union Territories)

गृह मंत्रालय
(कानूनी और प्रशासनिक सुझाव विभाग)
नई विल्सी, १ अप्रैल, १९८०

का० आ० ९१५—दण्ड प्रक्रिया भाइना १९७३ (१९७४ का २) की धारा २४ की उप-धारा (८) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार, एन्डूडारा, बाकर हमन बेलप्रामी तथा प्रत्यों के विरुद्ध विल्सी विशेष पुलिस स्थापना नियमित भासला सभ्या १९/७३-पटा से उद्भव अधियक्त अधिकारी द्वारा पठना उच्च न्यायालय में वायर अधीनी का, गण्य की तरफ से, मनावन करने के लिए श्री प्रकाश नारायण पाटे, अधिवक्ता, पटना को विशेष नोक अधियोजक के रूप में नियुक्त करती है।

[सभ्या २२५/४/८०-ए०वी०डी०-II]
टी० क० मुख्यमन्त्रियन, अवार मन्त्रिव

MINISTRY OF HOME AFFAIRS
(Department of Personnel & Administrative Reforms)
New Delhi, 1st April, 1980

S.O. 915—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure 1973 (2 of 1974), the Central Government hereby appoints

Shri Prakash Narain Pandey, Advocate, Patna, as a Special Public Prosecutor to conduct on behalf of the State the appeals filed by accused persons arising out of the Delhi Special Police Establishment Regular Case No. 19/73-Patna against Baquat Hassan Belgami and others in the High Court, Patna

[No. 225/४/८०-ए०वी०डी०-II]
T. K. SUBRAMANIAN, Under Secy.

वित्त मंत्रालय
(राजस्व विभाग)
नई विल्सी, १५ जूनवरी, १९८०

प्राप्ति-कर

का० आ० ९१६—प्राप्ति-कर अधिनियम १९६१ (१९६१ का ४३) की धारा २६९ब की उप-धारा (१) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए तथा आपने ६ फरवरी, १९७३ के प्रादेश सं. ४/फा० सं. ३२८/१११/७२-धनकर तथा २५ नवम्बर, १९७४ के प्रादेश सं. १०९/१९७४—फा० सं. ३२८/२६३/७४-धनकर में आंशिक संशोधन करने हुए केन्द्रीय सरकार, एन्डूडारा, प्रादेश देती है कि ६ फरवरी

1973 के उक्त आदेत से अनुबंध मार्गी में कम सं० 12 (क) पर की गई प्रविष्टि को निम्नलिखित द्वारा प्रतिस्थापित किया जाएगा :

12क निरीक्षक सहायक आयकर (1) समूर्ण कर्नाटक राज्य।
आयकर, अधिग्रहण रेज, (2) मंच राज्य केन्द्र गोवा का बंगालौर।
(2) प्रविष्टि 12 (क) निकाल दी जाएगी।
(3) यह अधिसूचना 1 दिसंबर, 1979 ने आगू द्वारी।

[सं० 3129/फा० सं० 316/804/79-आयकर]
एस० आर० गुप्त, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 15th January, 1980

INCOME TAX

S.O. 916.—In exercise of the powers conferred by Sub-Section (1) of Section 269B of the Income-tax Act, 1961 (43 of 1961) and in partial modification of their orders No. 4/F.No.328/111/72-WT dated 6-2-1973 and No. 109/1974-F.No.328/263/74-WT dated 25-11-74 the Central Government hereby orders that in the Table appended to the aforesaid order dated 6th February, 1973, the entry in S. No. 12(A) shall be substituted by the following :

12A Inspecting Assistant Commissioner of Income-tax, Acquisition Range, Bangalore. (i) The whole of Karnataka State.
(ii) Goa area of the Union Territory of Goa.

(2) The entry 12B shall stand deleted.

(3) This notification shall come into effect from 1-12-1979.

[No. 3129/F. No. 316/804/79-WT]

S. R. GUPTA, Under Secy.

नई दिल्ली, 14 फरवरी, 1980

आयकर

S.O. 917.—केन्द्रीय सरकार, आयकर अधिनियम, 1961 (1961 का 43) की धारा 80क की उपधारा 2(अ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, “श्री वेंकटेश पेमल कोइल और श्री कैलाशनाथस्वामी कोइल, वारागुरु, 613101 थानजबूर जिला, तमिलनाडु” को, उक्त धारा के प्रयोजनों के लिए तमिलनाडु राज्य में सर्वक्षम विद्युत सेवक यूनियन का स्थान अधिसूचित करती है।

[सं० 3188 (फा० सं० 176/3/80-आ० क० (एI)]

बी० एस० सिंह, अवर सचिव

New Delhi, the 14th February, 1980

INCOME-TAX

S.O. 917.—In exercise of the powers conferred by sub-section (2)(b) of section 80G of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notified “Shri Venkatesa Perumal Koil and Sri Kailasanathaswami Koil varagur, 613101 Thanjavur District, Tamil Nadu” to be places of public worship of renown throughout the State of Tamil Nadu for the purposes of the said section.

[No. 3188 (F. No. 176/3/80-IT(AI)]
B. M. SINGH, Under Secy.

आयकर

नई दिल्ली, 28 मार्च, 1980

स्टॅम्प

S.O. 918.—भारतीय स्टॅम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (i) के द्वारा (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार तमिलनाडु विद्युत बोर्ड अर्ण 1989 (वित्तीय श्रृंखला) पर तमिलनाडु विद्युत बोर्ड द्वारा जारी किए जाने वाले व्यारह करोड़ पचपत्त लाख रुपये मूल्य के प्रोमिसरी नोटों पर, उक्त अधिनियम के अन्तर्गत प्रभार्य है।

[सं० 9/80-स्टॅम्प-फा० सं० 33/11/80-बि० क०]

जी० एस० मेहरा, अवर सचिव

ORDER

New Delhi, the 28th March, 1980

STAMPS

S.O. 918.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the promissory notes to the value of eleven crores and fifty five lakhs of rupees, to be issued by the Tamil Nadu Electricity Board against the Tamil Nadu Electricity Board Loans, 1989 (second series) floated in November, 1979, are chargeable under the said Act.

[No. 9/80-Stamp-F. No. 33/11/80-ST]

G. S. MEHRA, Under Secy.

(प्राधिक कार्य विभाग)

(बैंकिंग प्रभार)

नई दिल्ली, 27 मार्च, 1980

S.O. 919.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय बारकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा विधिया करती है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपर्युक्त, 1 अप्रैल, 1982 तक की अवधि के लिए ओरियन्टल बैंक आयकर कामसे लिमिटेड, नई दिल्ली पर उस सीमा तक लागू नहीं होगी जहाँ तक इनका संबंध इस द्वारा प्रदत्ती के रूप में ऐससे सुप्रभाव इंजीनियरिंग कम्पनी लिमिटेड, नई दिल्ली के शेयरों की धारिता से है।

[संख्या 15(4)/80-बी० भा०-III]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 27th March, 1980

S.O. 919.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendations of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of Section 19 of the said Act shall not apply upto 1st January 1982 to the Oriental Bank of Commerce Ltd., New Delhi, in so far as they relates to its holding of shares of M/s. Suprabhat Engineering Co. Ltd., New Delhi, as pledges.

[No. 15(4)/80-B.O. III]

का० आ० 920.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त याकियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की मिफारिश पर एन्ड्रुडारा घोषणा करती है कि उक्त अधिनियम की धारा 19क की उपग्राहा (2) के उपर्युक्त, 23 जनवरी, 1982 तक की अवधि के लिए बैंक आफ बैंकीय पर उस सीमा तक लागू नहीं होगे जहां तक इनका संबंध इस बैंक द्वारा बरेली कार्पोरेशन (बैंक) लिमिटेड, बरेली के शेयरों की आरिता से है।

[मस्ता 15(5)/80-बी० आ० III]
ए० डॉ० बत्ता, अधिकारी सचिव

S.O. 920.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of section 19 of the said Act shall not apply to Bank of Baroda, upto the 23rd January, 1982 in respect of the shares of the Bareilly Corporation (Bank) Ltd. Bareilly, held by it.

[No. 15(5)/80-B.O. III]
N. D. BATRA, Under Secy.

बाणिज्य एवं नागरीक आपूर्ति मंत्रालय

(बाणिज्य विभाग)

नई दिल्ली, 12 अप्रैल, 1980

का० आ० 921.—केन्द्रीय सरकार नियांता (क्वालिटी नियंत्रण निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 8 द्वारा प्रदत्त याकियों का प्रयोग करते हुए, इस अधिसूचना के उपरान्ध में विनियिष्ट नाशकजीवमार तथा उनके सम्पर्कों के संबंध में भारतीय मानक संस्थान प्रभारीकरण चिन्ह को यह दोस्त करने के प्रयोजन के निए मान्यता देने का प्रस्ताव करती है कि यदि नाशकजीवमार तथा उनके संस्पर्कों से संबंधित छिप्पीय या पैकेजों पर ऐसे चिन्ह लगाएं या चिपकाए जाएं हैं तो वे उक्त अधिनियम के मध्ये उसे लागू होने वाले मानक विनियमों के अनुरूप समझे जाएंगे।

और केन्द्रीय सरकार ने, इस बारे में प्रस्ताव बनाने के पश्चात् उन्हे नियांता (क्वालिटी) नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपरियम (1) द्वारा अपेक्षित रूप में नियांता निरीक्षण परिषद को उसका मत जानने के लिए भेज दिया है।

और उक्त प्रस्तावों की बाबत परिषद से प्राप्त मिफारियों पर केन्द्रीय सरकार ने विचार कर लिया है।

अतः, अब, उक्त नियमों के नियम 11 के उपरियम (6) के अनुसर में, केन्द्रीय सरकार अपने प्रस्तावों को उन व्यक्तियों की जानकारी के लिए प्रकाशित करती है, जिनके उनसे प्रभावित होने की संभावना है।

2. सूचना वी। जारी है कि यदि कोई व्यक्ति उक्त प्रस्तावों के बारे में कोई आपत्ति या सुझाव भेजता चाहे तो वह उन्हें इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से पेंथार्सीस दिन के भीतर नियांता निरीक्षण परिषद 'वल्ह ट्रैड मेन्टर' 14/1 बी० एजरा स्ट्रीट (भाठी मंजिल) कलकत्ता-1 को भेज सकता है।

3. इस अधिसूचना में 'नाशकजीवमार तथा उनके गंगणों' में, इस अधिसूचना के उपरान्ध में विनियिष्ट 'नाशकजीवमार तथा उनके संस्थान' शमिल हैं।

उपायमाला

1. बी०ए०ग्र०मी० भवनोंकी
2. बी०ए०ग्र०मी० डिस्ट्रिक्ट पाउडर
3. बी०ए०ग्र०मी० जल परिषेपणीय सांकेतिक पाउडर

4. बी०डै०टी० का परिषेपणीय सांकेतिक पाउडर
5. बी०डै०टी० डिस्ट्रिक्ट पाउडर
6. बी०ए०ग्र०मी० पायसीकरणीय सांकेतिक पाउडर
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9. एल्ब्रिट पायसीकरणीय सांकेतिक पाउडर
10. एल्ब्रिट डिस्ट्रिक्ट पाउडर
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21. पायसीकरणीय डिम्बनाशी तैल प्रेस्प्रेस पर आवारित
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23. एण्डोस्लिफ्ट पायसीकरणीय सांकेतिक पाउडर
24. फोनिट्रोयियन पायसीकरणीय सांकेतिक पाउडर
25. स्थार्थी एयोक्सी एथिल मर्करी क्लोरोराइड सांकेतिक पाउडर
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34. बर्फरन चारा सांकेतिक पाउडर
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36. जिनेब जल परिषेपणीय सांकेतिक पाउडर
37. जिरम जल परिषेपणीय सांकेतिक पाउडर
38. जिनाकाशल पायसीकरणीय सांकेतिक पाउडर
39. क्लोरेडेन डिस्ट्रिक्ट पाउडर
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41. क्लूपरस भाक्साइड जल परिषेपणीय सांकेतिक पाउडर
42. क्लूपरस भाक्साइड जल परिषेपणीय सांकेतिक पाउडर
43. डायजियन पायसीकरणीय सांकेतिक पाउडर
44. डायजियन जल परिषेपणीय सांकेतिक पाउडर
45. डायक्सोबोस पायसीकरणीय सांकेतिक पाउडर
46. डायकोफोल पायसीकरणीय सांकेतिक पाउडर
47. डाइल्ड्रिन जल परिषेपणीय सांकेतिक पाउडर
48. डायरम जल परिषेपणीय सांकेतिक पाउडर
49. गामा बी०ए०ग्र०मी० (लिंजेन) भुमाकर
50. मैलिफियन डिस्ट्रिक्ट पाउडर
51. एण्डोस्लिफ्ट जल परिषेपणीय सांकेतिक पाउडर
52. निकोटिन मल्केट
53. ऐयेल पेरायियन
54. एल्यूमिनियम फास्फाइड

[सं० 6(3)/२८-निः०न०क्षा निः००]

बी०बी० मुकरेश, मंत्रक निवेदक

MINISTRY OF COMMERCE AND CIVIL SUPPLIES

(Department of Commerce)

New Delhi, the 12th April, 1980

S.O. 921.—Whereas the Central Government, in exercise of the powers conferred by section 8 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), proposes to recognise the Indian Standards Institution Certification mark in relation to pesticides and their formulations as specified in Annexure to this notification for the purpose of denoting that where the cartons or packages relating to pesticides and their formulations are affixed or applied with such mark, they shall be deemed to be in conformity with the standard specifications applicable there to under the said Act;

And whereas the Central Government, after formulating its proposals in this behalf, forwarded the same to the Export Inspection Council as required by sub-rule (1) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964, or its views;

And whereas the recommendations received from the Council on the aforesaid proposals have been considered by the Central Government;

Now, therefore, in pursuance of sub-rule (6) of rule 11 of the aforesaid rules, the Central Government hereby publishes its proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within fortyfive days of the publication of this notification in the Official Gazette to Export Inspection Council, 'World Trade Centre', 141B, Ezra Street, (7th Floor), Calcutta-1.

3. In this notification pesticides and their formulations" shall mean the pesticides and their formulations as specified in Annexure to this notification.

ANNEXURE

1. BHC, technical
2. BHC, dusting powders
3. BHC, water dispersible powder concentrates
4. DDT, dusting powders
5. DDT, water dispersible powder concentrates
6. BHC, emulsifiable concentrates
7. DDT, emulsifiable concentrates
8. Zinc phosphide
9. Aldrin, emulsifiable concentrates
10. Aldrin, dusting powders
11. Endrin, emulsifiable concentrates
12. Copper oxychloride dusting powders
13. Parathion emulsifiable concentrates
14. Copper oxychloride water dispersible powder concentrates
15. Formulations based on phenyl mercury acetate
16. Formulations based on stabilized methoxy ethyl mercury chloride concentrates
17. Malathion emulsifiable concentrates
18. Pyrethrum extracts
19. Dieldrin emulsifiable concentrates
20. Dimethoate emulsifiable concentrates
21. Emulsifiable larvical oil, pyrethrum based
22. Endosulfan dusting powders
23. Endosulfan emulsifiable concentrates
24. Fenitrothion emulsifiable concentrates
25. Formulations based on stabilized ethoxy ethyl mercury chloride concentrates.
26. Household insecticidal spray
27. Lime sulphur solution
28. Malathion water dispersible powder concentrates

29. Methyl-parathion emulsifiable concentrates
30. Pyrethrum emulsifiable concentrates
31. Sulphur powder, wettable
32. Thiometon emulsifiable concentrates
33. Thirom seed dressing formulations
34. Warfarin bait concentrates
35. Organomercurial dry seed dressing formulations
36. Zineb water dispersible powder
37. Ziram-water dispersible powder
38. Binapacryl emulsifiable concentrates
39. Chlordane dusting powders
40. Chlordane emulsifiable concentrates
41. Cuprous oxide dusting powders
42. Cuprous oxide water dispersible powder concentrates
43. Diazion emulsifiable concentrates
44. Diazion water dispersible powder concentrates
45. Dichlorvos emulsifiable concentrates
46. Dicofol emulsifiable concentrates
47. Dioldrin water dispersible powder concentrates
48. Gamma water dispersible powder concentrates
49. Gamma-BHC (lindane) smoke generators
50. Malathion dusting powders.
51. Endosulfan water dispersible powder concentrates.
52. Nicotine sulphate
53. Ethyl parathion
54. Aluminium phosphide.

[No. 6(3)/76-EI & EP]

C. B. KUKRETI, JR. / 11

मनुष नियंत्रक, आयात-मिथीत का कार्यालय

四百四

नई दिल्ली, 31 मार्च, 1920

का० आ० 922.—दि चीफ हस्तीनियर, सोकटक हाहडो इन्हे-
भिट्क प्रोजेक्ट, सोकटक मणिपुर को मुक्त विदेणी मुद्रा के अन्तर्गत पुजों
थीरं प्रारम्भिक पुजों महित अस्पाइन, माइनर ग० एम०-50 के आयात
के लिए 29,08,558 रुपए (ग० एम० 5,206,318) (उपनीस लाख
प्राठ हजार पाँच सौ अष्टावश रुपए भाल) का एक आयात
साइरसेस सक्या-जी०/एच०/2033764/सी०/एस्म० एस०/67/एच०/78/
सी० जी०-२/एन० एस०, विनाक 27-4-78 प्रदान किया गया था।
फर्म ने उपर्युक्त साइरसेस की मुद्रा विनियम नियंत्रण प्रयोजन प्रति की
अनुलिपि प्रति जारी करने के लिए इस आधार पर आवेदन किया है
कि लाइसेंस की मूल मुद्रा विनियम नियंत्रण प्रयोजन प्रति खो गई है।
आगे यह बताया गया है कि लाइसेंस की मुद्रा विनियम नियंत्रण प्रयो-
जन प्रति कलकत्ता के सीमा शुल्क कार्यालय में पंजीकृत थी और
29,08,558/- (ग० एम० 5,206,318) रुपए का लाइसेंस आगे
किया गया था और अब 29,08,558 (ग० एम० 5,206,318)
रुपए का कुल बत राशि को पूरा करने के लिए अनुलिपि प्रति की आव-
श्यकता है।

2. आनि तर्फ के समर्थन में लाइसेंसधारी ने नॉटरी प्रक्रिया शपथ प्राप्त किया है। तदनुसार मैं संयुक्त हूँ कि आयात लाइसेंस संख्या-जी०/एग०/ 2033764, दिनांक 27-4-78 की मूल सुदूर विनियम तियवरण प्रयोगन प्रति खा गई है। यथा संशोधित आयात (तियवरण) आदण 1955, दिनांक 7-12-1955 के उप-क्रमण ९ (सी० सी०) के प्रनगरीन प्रवत्त प्रधिकारों का प्रयोग करने हुए दि चाफ इंजीरियर, लोकटक झाईड़ो इन्डस्ट्रियल प्रोजेक्ट, लोकटक (झगड़ाव) माणिकुर को जारी की गई उपन मूल सुदूर विनियम तियवरण प्रयोगन प्रति संक्षया जी०/एग०/2033764, दिनांक 27-4-78 गतवदाता रह की गयी है।

3. पार्टी को उक्त लाइसेंस की अनुलिपि मुद्रा वित्तमय तियंत्रण प्रयोगन प्रति प्रमाण से जारी की जा रही है।

[मिमिल सम्मानी ० जी०-२/एच० ६० पी० (एम० टी०-१) /२८-७९]
जी० एम० प्रेषाथ, उप-मुख्य नियंत्रक,
आयात-नियाति कृते मध्य नियंत्रक, आयात-नियाति

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 31st March, 1980

S.O. 922.—The Chief Engineer, Loktak Hydro Electric Project Loktak Manipur was granted an import licence No. G/2033764/C/XX/67/H/78/[CGII/L.S. dated 27-4-78 for Rs. 29,08,558-(A. S. 5,206,318) (Rupees Twenty Nine lakhs Eight thousand Five hundred and Fifty Eight only) for import of Alpine Miner—AM 50 with accessories and initial appears under Free Foreign Exchange. The firm has applied for issue of Duplicate Copy of Exchange Control Purposes Copy of the above mentioned licence on the ground that the original exchange control purposes copy of the licence has been lost. It has further been stated that the exchange Control Purposes Copy of the licence was registered with the Calcutta Customs House and the total amount for which the licence was issued is Rs. 29,08,558-(A. S. 5,206,318) and the total amount for which duplicate copy is now required is to cover the amount of Rs. 29,08,558-(A.S. 5,206,318.).

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Oath Commissioner, New Delhi. I am accordingly satisfied that the original Exchange Control Purposes Copy of the import licence No. G/H/2033764 dt. 27-4-78 has been lost. In exercise of the powers conferred under sub-clause 9 (cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original Exchange Control Purposes Copy of No. G/H 2033764 dated 27-4-78 issued to The Chief Engineer, Loktak Hydro Electric Project, Loktak (Imphal), Manipur is hereby cancelled.

3. A duplicate Exchange Control Purposes Copy of the said licence is being issued to the party separately.

[No. CG II/HEP/ (MT-1)/78-79/1829]
G. S. GREWAL, Dy. Chief Controller of
Imports and Exports
for Chief Controller of Imports and Exports

संपूर्णतः मुख्य नियंत्रक, भाग्यात तथा निर्वात का कार्यालय
प्रादेश

मध्याम, 15 मार्च, 1980

विषय : सर्वश्री स्टीलेज इन्डस्ट्रीज लिमिटेड, मद्रास-98 को, ग्रंथांक 1,37,069 तक, फायर एंब्रॉडिंगविण्ड्रम के निर्माण कार्य के लिए कच्चा माल-ग्रहणक और उपभोज्य मासशी आयात करने, मनद लेखापाल के यह प्रमाणित करने पर कि ये मनद अप्रैल-मार्च, 1960 के आयात व्यापार नियन्त्रण नीति पुस्तक के परिणाम 5 में स्थान पाये हैं, जारी किये गये आयात व्यापार मध्ये प्र० १०-प्र०-१४४२३३४-प्र०-१४३० प्र०-१४३०-७३-प्र०-७९ दिनांक २-१-१९७९ को रह करना।

काठ आ० १२३।—संवेदी राटित लाइन्ट्रिङ लिमिटेड, ब्लॉक ग्रन्ड
१४-बी, (नार्थ फ्रेज) अम्बिनग इण्डस्ट्रीजल एक्स्प्रेस, मद्रास- ६०००९४
को अप्रैल-मार्च, १९८० अवधि के तिथि, वये १,३७,०६९ रु०, कायर
एम्प्रिंटिंगिंशेअरस् के निष्पाण कार्य के लिए कच्चा मोल-सप्लाय थी।
उपर्योग भास्त्री आपात कर्त्तव्य, आवेदक गे प्रगति किये गये उपर्योग
प्राणीपत्र क आधार १२ भारत नाम्पर्य गलवा पृ०-१००-१४-१२३-१४-
सी०-१०४४० प्रभा०-२००७०-१० शिराम ३-१-१९७९ जारी हित
गया था। लाइसेंस जारी करने के बाद यह देश गया कि आवेदक ने

इस लाइसेंस को मिथ्या-प्राप्ति प्राप्त द्वारा धानी यह बताते हुए कि उपयुक्त मर्दे आलू वर्ष नीति पुस्तक के परिशिष्ट 5 में हैं, जो सचमुच नीति पुस्तक के परिशिष्ट 5 में म्यान नहीं पाये हैं, प्राप्त कर लिया है। यह आधार नियंत्रण प्रांदेश 1955 के भाग 9 (1) (ए) के उपर्युक्त को आकर्षित करता है।

3-1-1980 में, आवेदक को जारी किये गये लाइसेंस को वापर मांगा गया और यह पूछते हुए कि मिथ्या-स्थापन द्वारा प्राप्त किये गये लाइसेंस को क्यों न रद्द किया जाय, कारण असाधारी नोटिस जारी किया गया था । उनको वैयक्तिक सुनवाई के लिए भी अवकाश दिया गया था । कारण बताओ नोटिस के उत्तर में आवेदक ने यह बताया कि उपमुक्त मर्बे, चालू वर्ष के नीति पुस्तक के परिणाम 5, क्रमसंख्या 461 के अंतर्गत आती है, जो परिणाम 2 में असाधार निषेध सूची में गिने हुए मालों के असाधार अन्य पूँजीगत मालों के नियमण कार्य के लिए आवश्यक संघटक को आयात करने के लिए अधिकार देता है । उनका यह विवाद है कि आणिज्य मंडल की पुष्टिकरण के अनुसार फायर एक्सटिंगविशश्वारस-मामान पूँजीगत माल ही माना जाता है । उन्होंने यह विवाद किया कि फायर एक्सटिंगविशश्वारस-मामान अप्रैल-मार्च, 1980 के नीति पुस्तक के परिणाम 2 के अंतर्गत नहीं है । उन्होंने यह भी कहा है कि अवेदन पत्र भेजने के पहले ही तकनीकी प्रार्थिकारियों से परामर्श करके यह पत्र किया गया था कि फायर एक्स-टिंगविशश्वारस-मामान के संघटक, चालू वर्ष के नीति पुस्तक के परिणाम 5, क्रम संख्या 461 के अंतर्गत ही आता है । उन्होंने कहा है कि इसी बजह परिणाम 5 में इस मर्दे को दिलाकर लाइसेंस का अवेदन किया ।

यद्यपि उनके कथन के अनुसार उपमुक्त बद्दे परिशिष्ट 5, क्रम संख्या 461 के अंतर्गत भी लिया जाए तो भी, पृष्ठ के नीचे की टीका संक्षेप 1 में यह देखा जायेगा कि वास्तविक उपभोक्ता (शौधोगिक) के लिए संगत शौधोगिक लाइसेंस प्रथम पंजीयन प्रमाण-पत्र के अनुसार अपनी निरी निर्माण कार्यक्रम की आवश्यकताओं की पूर्ति कर लेने के लिए क्रम संख्या 461 लागू नहीं होगा। हमरे शब्दों में, एक को आवश्यकताएं अन्य विधानों के द्वारा पूर्ण रूप से भास्त कर सकता है और उनको आटोमाटिक लाइसेंस लेने की आवश्यकता नहीं है। इसके अतिरिक्त वे मद्दे, जिनको उपमुक्त किया हुआ बताया है, नीति पुस्तक के परिशिष्ट 5 में, विशेष रूप में, स्थान नहीं पायें हैं।

उपर्युक्त कारणों को देखते हुए, मैं यह निष्कर्ष पर पहुंचता हूँ कि ग्रामीण आर्टिस्टिक दौर पर लाइसेंस पाने की अधिकारी नहीं हैं और उन्हें नियमित व्यापक व्यापार लाइसेंस को प्राप्त कर सिया है।

आयात व्यापार नियंत्रण अधिकार 1955 के धारा 9 में प्रदत्त अधिकार से, उपर्युक्त आवंदक को भर्तल-मार्श, 1980 अवधि के लिए जारी किये गये रुपये, 1,37,069 का आयात लाइसेंस मंज्या पी-००-०-1442338-मी०-एम० पक्ष-०-७३-एम०-७९ दिनांक 2-11-79 को प्रतवद्वारा रद्द किया जाना है।

[म० आई० टी० मी०/ डी० जी० टी० शी०/ 294/ए० एम० ४०/ ए प०-१]
 टी० एन० बैक्टैशरन, उप-मन्त्री नियंत्रक, प्राप्तान नियाति

(Office of the Joint Chief Controller of Imports and Exports)

ORDER

Madras, the 15th March, 1980

Subject : Cancellation of Import Licence No. P/D/1442338/C/XX/73 M/79 dated 2-11-1979 for Rs. 1,37,069 issued in favour of Messrs Steelage Industries Ltd., Madras-98 for the import of Raw Materials/Components and consumables for the manufacture of Fire Extinguishers on the basis of a certificate issued by a Chartered Accountant certifying that the items figuring in Appendix 5 of the Import Trade Control Policy Book for April-March 1980 Period.

S.O. 923.—Messrs Steelage Industries Ltd., Plot No. 98-B (North Phase Ambattur Industrial Estate, Madras-600098), were issued an Import Licence No. P/D/1442338/C/XX/73/M/79 dated 2-11-1979 for Rs. 1,37,069 on automatic basis for the import of raw materials/components and consumable for the manufacture of Fire Extinguishers for the period April-March, 1980 on the basis of consumption certificate produced by the firm. Subsequent to the issue of licence it was noticed that the firm had obtained a licence by misrepresentation by showing the items consumed as are figuring in Appendix 5 of the current Policy Book whereas these items do not actually find a place in Appendix 5 of the Policy Book. This attracts the provisions of Clause 9(1)(a) of the Import Control Order, 1955.

Licence issued to the firm may, therefore, called back and a Show Cause Notice issued to them on 3-1-1980 asking them as to why the licence obtained by them by misrepresentation should not be cancelled. They were also afforded an opportunity for personal hearing. In the reply to the Show Cause Notice they have stated that the items consumed by them fall under S. No. 461 of Appendix 5 of the current Policy Book which authorises them to import components required for the manufacture of any capital goods other than those enumerated in Appendix 2 or in the banned list. Their contention is that fire extinguishers/equipments are considered as Capital goods as confirmed in the commercial circles. They have argued that Fire Extinguishers/equipments do not fall under Appendix 2 of the April-March, 1980 Policy Book. They have also stated that they have consulted the technical authorities before they made the application and got a confirmation that the components of fire extinguishers/equipments would fall only under S. No. 461 of Appendix 5 of the current Policy Book. They have stated that they have therefore applied for a licence, showing the items as figuring in Appendix 5.

Even according to their statement that the items consumed may fall under S. No. 461 of Appendix 5 it will be noted under the foot note No. 1 that the entry No. 461 will not apply to an Actual User (Industrial) for meeting the requirement of his own manufacturing programme in terms of the relevant industrial licence or Registration certificate. In other words, the requirements of the unit can be fully met through other provisions and they need not take an automatic licence. Besides the items shown to have been consumed do not specifically figure in Appendix 5 of the Policy Book.

In view of the reasons stated above I have come to the conclusion that they are not entitled to a licence on automatic basis and that they have obtained the licence by misrepresentation.

In exercise of the powers vested in me under Clause 9 of the Import Trade Control Order, 1955 the licence No. P/D/1442338/C/XX/73/M/79 dated 2-11-1979 for Rs. 1,37,069 for April-March, 1980 period issued to the above firm is hereby cancelled.

[No. ITC/DGTD/294/AM. 80/AU. I]
T. N. VENKATESWARAN, Dy. Chief Controller of
Imports and Exports

उद्योग मंत्रालय

(भारी उद्योग विभाग)

भारत

मई विली, 20 मार्च, 1980

का० भा० 924.—विकास परिषद (कार्यविधिक) नियम, 1952 के नियम 2, 4 और 5 के मात्र पठित उद्योग (विकास तथा विनियमन) अधिनियम, 1951 (1951 का 65) की धारा 6 के द्वारा प्रदत्त व्यक्तियों का प्रयोग करने हुए केन्द्रीय सरकार एवं दिल्ली नियमनिवित व्यक्ति को भारत सरकार, भारी उद्योग विभाग के आवेदन रिनांक 23 फरवरी, 1979 द्वारा मरीनी ओजारों के तिर्योग या उत्पादन-रन अनुसूचित उद्योगों के लिए गठित की गई विकास परिषद का

सर्वस्य नियुक्त करती है और निवेश देती है कि उक्त आदेश में नियम-नियित संयोधन किए जाएंगे, अर्थात्:—

उक्त आदेश में, क्रम संख्या 2 के सामने वाली प्रविष्टि के स्थान पर नियमनियित प्रविष्टि रखी जावेगी, अर्थात्:—

2. श्री आर० कृष्णस्वामी,

संयुक्त सचिव,

भारी उद्योग विभाग।

मदस्य सचिव

[मं० 19-7/78-एम०टी०]

एम० कप्रन, उप-सचिव

MINISTRY OF INDUSTRY

(Department of Heavy Industry)

ORDER

New Delhi, the 20th March, 1980

S.O. 924.—In exercise of powers confirmed by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with Rules 2, 4 and 5 of the Development Council (Procedural) Rules, 1952, the Central Government hereby appoints the following person to be a member of the Development Council constituted by the order of the Government of India, in the Department of Heavy Industry order dated 23rd February, 1979 for the Scheduled Industries engaged in the manufacture or production of Machine Tools and directs that following amendments shall be made in said order namely:—

In the said order for entry occurring against serial No. 2 the following entry shall be substituted namely:

2. Shri R. Krishnaswamy,
Joint Secretary, Deptt. of
Heavy Industry.

Member Secretary

[No. 19-7/78-MT]

S. KANNAN, Dy. Secy.

पेट्रोलियम रसायन और उर्बरक व्यालय

(पेट्रोलियम विभाग)

मई विली, 25 मार्च, 1980

का० भा० 925.—यह पेट्रोलियम और व्यनिय पाहपलाइन (भूमि के उपयोग के प्रधिकार अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के प्रधीन सरकार के पेट्रोलियम और रसायन मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० भा० सं० 3252 द्वारा 24-8-79 द्वारा केन्द्रीय सरकार ने उम अधिसूचना से संलग्न अनुसूची में विनियिष्ट भूमियों के उपयोग के प्रधिकार को पाहप लाइनों को विभाग के प्रयोगन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यह यह सकाम प्रधिकारी के उक्त अधिनियम की धारा 6 की उपधारा (1) के प्रधीन सरकार की रिपोर्ट दे दी है।

श्री ग्रामे, यह केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् उम अधिसूचना से संलग्न अनुसूची में विनियिष्ट भूमियों में उपयोग का प्रधिकार अर्जित करने का विनियम किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए केन्द्रीय सरकार एवं द्वारा आविष्ट करती है कि इस अधिसूचना में संलग्न अनुसूची में विनियिष्ट उक्त भूमियों में उपयोग का प्रधिकार पाहपलाइन विभाग के प्रयोगन के लिए एवं द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार विदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बाजार तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं में मुक्त स्वरूप में, भोजन के प्रकाशन की इस तारीख को विहित होगा।

प्राची

उत्तर कड़ी जी० ओ० एस० । से उत्तर कड़ी सी० टी० एफ० तक पाइपलाइन बिलाने के लिए ।

ગાંધી ગુજરાત	જિલ્લા:	મેહમાના	તાલુકા: કારી	કાર્ટ્ ટ્રેક	૧	૧	૩૫			
ગાંધી	સર્વો નંંબર	લેન્ટેયર	પ્રાંત સેન્ટોયર		૧	૦	૩૫			
			₹		૧	૦	૩૫			
૧	૨	૩	૪	૫						
બાલાસાન		૧૫	૦	૦૪	૫૦	૧૨૭/સી.૦	૦	૨૨	૩૫	
		કાર્ટ્ ટ્રેક	૦	૦૧	૦૫	૧૨૬/૨	૦	૦૧	૬૫	
		૧૧૦	૦	૧૬	૦૫	૧૨૬/૧/સી.૦	૦	૦૩	૧૫	
		૮૭	૦	૧૭	૫૫	૧૨૬/૧/રી.૦	૦	૦૭	૮૦	
		૮૬	૦	૦૭	૩૫	૧૨૬/૧/સી.૦	૦	૦૧	૨૦	
		૧૧૧/સી.૦	૦	૦૨	૭૦	૧૨૫/૨+૩+૪	૦	૦૯	૦૦	
		૧૧૧/સી.૦	૫	૦૮	૪૦	૬૭/૨	૦	૧૨	૦૦	
		૧૧૨	૦	૧૦	૩૫	૬૬	૦	૧૬	૩૫	
		કાર્ટ્ ટ્રેક	૦	૦૦	૬૦	૬૭/૧	૦	૦૦	૨૦	
		૧૧૮/૨	૦	૦૪	૯૫	કાર્ટ્ ટ્રેક	૦	૦૧	૩૫	
		૧૧૭/સી.૦	૦	૦૧	૫૦	૬૧/૨	૦	૦૮	૭૦	
		૧૧૭/સી.૦	૦	૧૦	૫૫	૬૧/૧	૦	૧૦	૯૫	
		૧૨૧/સી.૦	૦	૧૮	૦૦	૬૦	૦	૦૮	૫૫	
		૧૨૧/સી.૦	૦	૦૧	૬૫	૫૮/સી.૦	૦	૦૨	૪૦	
						૫૮/સી.૦	૦	૦૭	૦૫	
						૫૮/સી.૦	૦	૦૫	૨૫	
બાલબસ્સન	તાલુકા:	વિરમગામ	જિલ્લા:	અહમદાબાદ		૫૮/સી.૦	૦	૧૦	૮૦	
		૨૧૬/૫	૦	૦૨	૨૫	૫૮/સી.૦	૦	૦૧	૦૫	
		૨૧૬/૪	૦	૦૫	૮૫	૫૮/સી.૦	૦	૦૫	૭૦	
		૨૧૬/૩	૦	૦૫	૮૫	૫૮/સી.૦	૦	૧૫	૭૫	
		૨૧૬/૧/સી.૦	૦	૦૧	૫૦	૫૧	૦	૦૩	૭૫	
		૨૧૬/૧/સી.૦	૦	૦૩	૪૫	૫૨/સી.૦	૦	૦૮	૨૫	
		૨૧૬/૧/સી.૦	૦	૧૦	૦૫	૫૨/સી.૦	૦	૧૫	૦૦	
		૨૧૭	૦	૦૬	૭૫	૫૩/સી.૦	૦	૦૨	૦૦	
			૦	૦૪	૫૦	૫૩/૧	૦	૦૧	૪૫	
		૨૧૮/૨	૦	૧૨	૧૫	૫૪	૦	૦૪	૦૫	
		કાર્ટ્ ટ્રેક	૦	૦૧	૦૫	૪૯	૦	૦૩	૩૦	
		૨૦૨/૩	૦	૦૯	૬૦	ખાટારોયા	તાલુકા:	વિરમગામ	જિલ્લા:	અહમદાબાદ
		૨૦૧/૩	૦	૦૬	૦૦	૪૧/સી.૦	૦	૦૭	૯૫	
		૨૦૧/૨	૦	૦૩	૬૦	૪૧/સી.૦	૦	૧૧	૨૫	
		૨૦૧/૧	૦	૦૩	૬૦	૪૦	૦	૦૦	૪૫	
		૧૯૯/૩	૦	૦૬	૭૫	૪૨	૦	૧૬	૩૫	
		૧૯૯/૨/એ	૦	૦૪	૫૦	૩૮/સી.૦	૦	૦૭	૫૦	
		૨૦૦	૦	૦૨	૧૦	૩૮/સી.૦	૦	૧૫	૧૫	
		૧૯૮/સી.૦	૦	૦૩	૭૫	૩૭/સી.૦	૦	૦૩	૪૫	
		૧૯૮/સી.૦	૦	૦૩	૧૫	૪૮	૦	૨૫	૨૦	
		૧૯૮/સી.૦	૦	૦૨	૪૦	૧૪૩	૦	૦૧	૩૫	
		૧૯૮/સી.૦	૦	૦૨	૪૦	તાલુકા: વિરમગામ જિલ્લા અહમદાબાદ				
		૧૯૯/સી.૦	૦	૦૨	૫૫	રેલવે	૦	૦૨	૨૫	
		૧૯૭/સી.૦	૦	૦૦	૨૦	૨૨૭	૦	૦૦	૯૬	
		૧૯૫	૦	૦૦	૨૦	૨૬૬/૪૩	૦	૧૪	૬૦	
		૧૯૬/૬	૦	૦૭	૮૦	૨૨૬/૫૫	૦	૦૦	૩૦	
		૧૯૬/૪	૦	૦૬	૬૦	૨૨૬/૨૭/સી.૦	૦	૦૪	૯૫	
		૧૯૬/૩	૦	૦૩	૨૦	૨૬૬/૨૭/સી.૦	૦	૦૪	૮૦	

1	2	3	4	5	1	2	3	4	5
	266/27/पी०	0	02	85		118/2	0	04	95
	226/28	0	09	15		117/P	0	01	50
काट ट्रैक		0	00	75		117/P	0	10	55
209/59	0	17	55			121/P	0	18	00
	209/57	0	04	65	Balasan	Taluka : Viramgam	Distt. : Ahmedabad		
	209/55	0	04	05		216/5	0	02	25
	209/49	0	05	00		216/4	0	05	85
	209/55	0	00	85		216/3	0	05	85
	209/50	0	06	30		216/1/P	0	01	50
	209/47	0	08	10		216/1/P	0	03	45
	209/26	0	22	35		216/1/P	0	10	05
	209/23	0	03	00		217	0	06	75
						Cart track	0	04	50
						218/2	0	12	15
						Cart track	0	01	05
						202/3	0	09	60
						201/3	0	06	00
						201/2	0	03	60
						201/1	0	03	60
						199/3	0	06	75
						199/2/A	0	04	50
						200	0	02	10
						198/P	0	03	75
						198/P	0	03	15
						198/P	0	02	40
						198/P	0	02	40
						198/P	0	02	55
						197/P	0	00	20
						195	0	00	20
						196/6	0	07	80
						196/4	0	06	60
						196/3	0	03	90
						196/2	0	03	75
						196/1	0	01	95
						195/2	0	01	65
						191/P	0	08	70
						191/P	0	06	30
						191/P	0	01	35
						192/3	0	05	85
						Cart track	0	01	35
						138/3	0	07	35
						138/2	0	08	25
						138/1	0	01	35
						137/4	0	02	25
						9	0	62	55
						127/P	0	22	35
						126/2	0	01	65
						126/1/P	0	03	15
						126/1/P	0	07	80
						126/1/P	0	01	20
						125/2+3+4	0	09	00
						67/2	0	12	00
						66	0	16	35
						67/1	0	00	20
						Cart track	0	01	35
						61/2	0	08	70
						61/1	0	10	95
						60	0	08	55
						58/P	0	02	40
						58/P	0	07	05
						58/P	0	05	25
						58/P	0	10	80
						58/P	0	01	05
						58/P	0	05	70

[मा० १२०१६/३५/७९-प्र०]

किरन चृष्ट, प्रवर्त्तन मंत्री

MINISTRY OF PETROLEUM, CHEMICALS & FERTILIZER

(Department of Petroleum)

New Delhi, the 25th March, 1980

S.O. 925.—Whereas by a notification of the Government of India in the Ministry of Petroleum, S.O. No. 3252 dated 24-8-79 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline ;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines ;

And further in exercise of power conferred by Sub-section (4) of that Section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from N. Kadi G.G.S. J to N. Kadi CTF

State-Gujrat	Dist. Mehsana	Taluka Kadi		
Village	Survey No	Hect Are	Centi- are	
1	2	3	4	5
Chalasan	95	0	04	50
	Cart track	0	01	05
	110	0	16	05
	87	0	17	55
	86	0	07	35
	111/P	0	02	70
	111/P	0	08	40
	112	0	10	35
	Cart track	0	00	60

उपायालय					1	2	3	4	5
लाइट सं०	थाना सं०	क्षेत्रफल क्रकार	अधिभोग का प्रकार	तक उपलब्ध नहीं है—					
1	2	3	4	5					
भोसावली कालोनी	1335	162	147.30	अर्जित भूमि	उ० मोसा शोनी				
और खान स्थल	1493	162	6.36	"	उ० बिक्षा				
उ० प्राइवेट भूमि	1494 महक	"	0.37	"	पू० प्राइवेट भूमि				
द० प्राइवेट भूमि	1511	"	28.95	"	प० " "				
पू० प्राइवेट भूमि	1334	"	4.40	अनुशान कक्षा	पोर्टर शेष्ट क्षेत्र	934 भाग	166	0.20	अनुशान कक्षा
प० प्राइवेट भूमि	1446	"	0.03	"	उ० प्राइवेट				
	1447	"	0.03	"	भूमि—	935	166	3.38	"
	1462	"	0.38	"	द० खान भूमि—	936	"	1.78	"
	1510 भाग	"	0.24	"	पू० महक—	2914	"	0.27	"
	428	163	54.25	अर्जित भूमि	प० खान भूमि	2284	"	0.22	"
	385	"	0.43	अनुशान कक्षा	विनियन सेप्ट				
	412	"	28.12	"	क्षेत्र—	2285	"	0.03	"
	411 भाग	"	10.13	"	उ० प्राइवेट भूमि				
	1561	164	0.54	"	द० " "				
	1615	"	24.13	"	पू० " "				
	1616	"	0.33	"	प० महक	3953	"	0.63	"
	1552 भाग	"	6.25	"	बिडिया बंजर				
	1557	"	0.30	"	मार्ग क्षेत्र	2224 भाग	"	0.10	"
	1558	"	33.49	"	उ० प्राइवेट भूमि				
	1559	"	0.07	"	द० " "				
	1560	"	0.90	"	पू० खान भूमि				
	1612	"	0.12	"	प० " "				
	1613	"	0.17	"	अनन्त सेप्ट क्षेत्र—	2222 भाग	166	1.30	अनुशान कक्षा
	1614	"	1.15	"	उ० खान भूमि—	2223	"	0.15	"
	1712	"	0.35	"	द० " "	3390	"	5.18	"
1	166	31.72	अर्जित भूमि		प० सहक				
21	"	19.10	"		रेत भरक स्टेशन	2717	"	0.90	"
2525	"	10.15	अनुशान कक्षा		उ० प्राइवेट भूमि				
33 भाग	"	0.29	अर्जित भूमि		द० खान भूमि				
40	"	42.86	"		पू० महक				
62	"	25.50	"		प० प्राइवेट भूमि				
95	"	26.60	"		हैट मैदान, पर्य				
280	"	0.04	"		स्टेशन ग्रोर रेत				
292 महक	"	0.16	"		पट्टा क्षेत्र—	2909 भाग	"	6.15	"
631	166	0.05	अनुशान कक्षा		2920	"	"	1.15	"
632	"	0.15	"		उ० प्राइवेट				
633	"	0.17	"		भूमि—	2948	"	2.40	"
635	"	0.04	"		उ० प्राइवेट				
758	"	82.50	अर्जित भूमि		भूमि—	2957	"	0.05	"
857	"	1.15	अनुशान कक्षा		पू० नदी तट	2958	"	1.10	"
लोको ट्रैक एम०					प० प्राइवेट भूमि				
एम० शी० मे					ओर नदी	2929	"	0.85	"
बिडिया					2960	"	"	0.28	"
					2961	"	"	0.95	"
					2962	"	"	4.08	"
					2964	"	"	1.73	"

1	2	3	4	5	1	2	3	4	5
2969	भाग	166	0.13	अनुशासन	८०	८०	1045	भाग	0.04
2963	"	"	14.58	कब्जा	८०	८०	1048	"	4.93
2905	"	"	5.30	"	८०	८०	1078	"	0.16
				"			1079	"	1.33
2910	"	"	0.07	"			1080	सङ्क	0.28
2911	"	"	0.02	"			1100	भाग	0.06
2912	"	"	0.02	"			1101	"	0.02
2913	"	"	0.10	"			1102	"	1.17
2914	"	"	0.02	"			1138	"	0.87
2915	"	"	0.25	"			1139	"	0.68
2916	"	"	12.26	"			1140	भाग	0.32
1599	"	165	0.77	"					अनुशासन
1384	"	1683	0.47	"					कब्जा
(पुराना प्लाट सं०) --									
281	"	168	5.49	"			1156	"	0.12
282	"	"	9.47	"					पी जी भार षेट
353	"	"	3.70	"					शेप्ट क्लेन
रेत स्टाक और रेत									
पट्टा	1563	"	165	0.63	प्राइवेट समझौता		८०	"	0.27
	1564	"	"	0.07	"		८० प्राइवेट भूमि	"	0.23
	1565	"	"	0.29	"				८० "
उ० खास भूमि	1566	"	"	1.08	"				८० "
द० नदी नट	1567	"	"	0.38	"				८० सङ्क
पू० सङ्क									
प० खास भूमि और									
नदी--	1595	"	"	0.27	"		सुर्वा कर्मकार		
	1596	"	"	0.65	"		कालोनी	"	0.55
	1587	"	"	0.70	"		उ० खास भूमि	"	9.84
	1598	"	"	1.06	"				
	1604 भाग	"	"	0.47	"				
	1605	"	"	0.52	"				
	1838	"	"	0.70	"				
	1599	"	"	15.55	अनुशासन				
					कब्जा				
पुराना प्लाट सं०	1 भाग	168	19.57	"					
धोबनी फेल शेफ्ट									
क्लेन	1003	1096	0.06	अनुशासन					
				कब्जा					
उ०	1004 भाग	"	"	0.31	"				
द०	1050	"	"	0.03	"				
पू०	1051	"	"	0.08	"				
प०	1052	"	"	0.76	"				
	सङ्क	"	"	0.10	"				
पी जी भार सं० 2									
शेफ्ट क्लेन	1142 भाग	160	0.06	"					
उ० खास भूमि									
द० "									
पू० "									
प० "									
पी जी भार मेन	1035 भाग	"	0.05	प्राइवेट					
शेफ्ट क्लेन				समझौता					
उ० प्राइवेट भूमि	1044	"	0.02	"					

1	2	3	4	5
	278	101	0.05	भनुशात
	279 सडक	"	0.07	कम्पा
	भाग			
	280	"	0.35	"
	281	"	0.22	"
	385	"	0.03	"
किलोमीटर यापट क्षेत्र	--	1098	1.05	"
उ० वन भूमि				
व० "	"			
प० "	"			
प० "	"			

[फा० सं० 22/43/79-मेट० III]
सी० पी० एस० नायर. निदेशक

MINISTRY OF STEEL AND MINES

(Department of Mines)

New Delhi, the 26th March, 1980

S.O. 928.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) the Central Government hereby appoints the Officer mentioned in column (1) of the Table below, being an officer equivalent to the rank of a Gazetted officer of Government, to be an Estate Officer for the purposes of the said Act, and further directs that the said officer shall exercise the powers and duties imposed by or under the said Act within the local limits of his jurisdiction in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the officer	Categories of public premises and local limits of jurisdiction
1	2
Personnel Manager, Hindustan Copper Ltd., Indian Copper Complex Singhbhum (Bihar).	(Here incorporate what is contained in the Annexure.

ANNEXURE

Plot No.	Thana No.	Area in acres	Type of occupation
(1)	(2)	(3)	(4)
Mosaboni colony and mines site			
1335	162	147.30	Acquired land
1493	„	6.36	„
N. Private land	1494 Road	„	0.37
S. Private land	1511	„	28.95

1	2	3	4	5
E. Private	1334	162	4.40	Permissive possession
W. Private land				
1446	"	0.03	"	
1447	"	0.03	"	
1462	"	0.38	"	
1510 Portion	"	0.24	"	
428	163	54.25	Acquired land	
385	"	0.43	Permissive possession	
412	"	28.12	"	
411 Portion	"	10.13	possession	
1561	164	0.54	"	
1615	"	24.13	"	
1616	"	0.33	"	
1552 Portion	"	6.25	"	
1557	"	0.30	"	
1558	"	33.49	"	
1559	"	0.07	"	
1560	"	0.90	"	
1612	"	0.12	"	
1613	"	0.17	"	
1614	"	1.15	"	
1712	"	0.35	"	
1	166	31.72	Acquired land	
21	"	19.10	"	
2525	"	10.15	Perms. possession	
33 Portion	"	0.29	Acquired land	
40	"	42.86	"	
62	"	25.50	"	
95	"	26.60	"	
280	"	0.04	"	
292 Road	"	0.16	"	
631	166	0.05	Perm. possession	
632	"	0.15	"	
633	"	0.17	"	
635	"	0.04	"	
758	"	82.50	Acquired land	
857	"	1.15	Perm. possession	

		possession		
Loco Track				
MSB to				
Badia	Not available	166	2.2	"
N. Mosaboni				
N. Badia				
E. Private				
land				
W. Private				
land				
Porter shaft				
area	934 Portion	166	0.20	Perm.
				possession
N. Private				
land	935 "	"	3.38	"
S. Khas land	936 "	"	1.78	"
E. Road	2914 "	"	0.27	"

1	2	3	4	5	1	2	3	4	5
W. Khas land	2284 Portion	166	0.22	E	(Old Plan No.)	281	Portion	168	5.49 Perm.
Vivian shaft area	2285 "	"	0.03	"		282	"	"	9.47 Possession
N. Private land						353	"	"	3.70 "
S. Private land					Sand stock and sand lease	1563	165	165	0.63 Private settlement
E. Private land						1564	"	0.07 "	
W. Road					N. Khas land	1565	"	0.29	"
Badia waste pass area	3953	"	0.63	Perm. possession	S. River bank	1566	"	1.08	"
	2224 "	"	0.10	"	F. Road	1567	"	0.38	"
N. Private land					W. Khas land and river	1595	"	0.27	"
S. Private land						1596	"	0.65	"
K. Khas land						1587	"	0.70	"
W. Khas land						1598	"	1.06	"
Annan shaft area	2222 "	"	1.30	"		1604 Portion	"	0.47	"
N. Khas land	2223 "	"	0.15	"	Old Plot No.	1 Portion	168	19.57	"
S. Khas land	3390 "	"	5.18	"	Dhobani fell shaft area	1003	1096	0.06	"
W. Road					N.	1004 Portion	"	0.31	"
Sand filling station	2717	"	0.90	"	S	1050	"	0.03	"
N. Private land					E	1051	"	0.08	"
S. Khas land					W	1052	"	0.76	"
E. Road					Road	"	"	0.10	Perm. possession
W. Private land					PGR No. 2				
Brick field, pump station and sand lease area	2909 Portion	"	6.15	"	Shaft Area	1142 Portion	160	0.06	"
	2920 "	"	1.15	"	N. Khas land				
N. Private land	2948 "	"	2.40	"	S. Khas land				
S. Private land	2957 "	"	0.05	"	E. Khas land				
E. River Bank	2958 "	"	1.10	"	W. Khas land				
W. Private land and river	2929 "	"	0.85	"	PGR Main shaft area	1035 Portion	"	0.05	Private settlement
	2960 "	"	0.28	"	N. Private land	1044 "	"	0.02	"
	2961 "	"	0.95	"	S. Private land	1045 "	"	0.04	"
	2962 "	"	4.08	"	E. Private land	1048 "	"	4.93	"
	2964 "	"	1.73	"	W. Private land	1078 "	"	0.16	"
	2969 "	"	0.13	"		1079 "	"	1.33	Perm. Possession
	2963 "	"	14.58	"		1080 Road	"	0.28	Private settlement
	2905 "	"	5.30	"		1100 Portion	"	0.06	"
	2910 "	"	0.07	"		1101 "	"	0.02	"
	2911 "	"	0.02	"		1102 "	"	1.17	Permissive possession
	2912 "	"	0.02	"		1138 "	"	0.87	Private settlement
	2913 "	"	0.10	"		1139 "	"	0.68	"
	2914 "	"	0.02	"		1140 "	"	0.32	Perm. possession
	2915 "	"	0.25	"		1156 "	"	0.12	"
	2906 "	"	12.26	"	PGR Vent. shaft area	760 "	"	0.27	"
	1599 "	165	0.77	"					
	1384 "	1683	0.47	"					

1	2	3	4	5
N. Private land	761	Portion	160	0.23 Perm. possession
S. Private land				
E. Private land				
W. Road				
Surda No. 4				
shft area	114	„	102	1.73 „ „
	115	„	„	0.13 „ „
N. Khas land	136	Road	„	0.07 „ „
S. Private land	135	Portion	„	0.07 „ „
E. Private land	137	„	„	0.13 „ „
W. Private	138	„	„	0.25 „ „
	139	„	„	0.25 „ „
	140	„	„	0.10 „ „
	141	„	„	1.02 „ „
	142	„	„	0.02 „ „
Surda work- men colony	103	„	„	0.55 „ „
N. Khas land	105	„	„	9.84 „ „
S. Khas land				
E. Khas land				
W. Forest land				
Surda staff colony and mine site	846	Old plot No.	101	55.18 „ „
N. Forest land	314		„	4.80 „ „
S. Forest land	313		„	0.07 „ „
E. Private land	304	Portion Road	„	0.20 „ „
W. Forest land	305	„	0.55 „ „	
	306	Road	„	0.10 „ „
	307	„	0.23 „ „	
	277	Portion	„	2.33 „ „
	278	„	0.05 „ „	
	279	Road Portion	„	0.07 „ „
	280	„	0.35 „ „	
	281	„	0.22 „ „	
	385	„	0.01 „ „	
Chirudih shft area	1098		1.05 „ „	
N. Forest land				
S. Forest land				
E. Forest land				
W. Forest land				

कृषि मंत्रालय

(कृषि और सहकारिता विभाग)

नई दिल्ली, 31 मार्च, 1980

का० आ० 929.—पशु कूरता निकरण प्रधिनियम, 1960 (1960 का 59) की धारा 5 की उपधारा (3) के प्रावधानों के तहत केंद्रीय सरकार प्रदद्वारा कृषि मंत्रालय के कृषि तथा सहकारिता विभाग के पशुपालन आयुक्त आ० वाई० प्रसाद का, 18 मार्च, 1980 से आगामी आदेशों तक पशु कल्याण बोर्ड के अध्यक्ष के पद पर मनोनीत करती है।

[सं० 14-4/78-एल० डी०-१]

एस० एस० लुरना, अवर सचिव

MINISTRY OF AGRICULTURE

(Department of Agriculture & Co-operation)

New Delhi, the 31st March, 1980

S.O. 929.—Under provisions of sub-section 3 of Section 5 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby nominates Dr. Y. Prasad, Animal Husbandry Commissioner, Ministry of Agriculture & Irrigation (Department of Agriculture and Co-operation) to be the Chairman of the Animal Welfare Board with effect from 18th March, 1980 till further order.

[No. 14-4/78-LD-I]

M. S. KHURANA, Under Secy.

पर्यटन और नागर विभाग मंत्रालय

नई दिल्ली, 10 मार्च, 1980

का० आ० 930.—पर्यटन और नागर विभाग मंत्रालय की 6 फरवरी, 1980 की प्रधिसंचान मंडल १० बा० १८०१३/१/७८-एसी के मिलभिले में केंद्रीय सरकार वायु नियम प्रधिनियम, 1953 (1953 का 27) की धारा 4 द्वारा प्रवल शक्तियों का प्रयोग करते हुए प्रदद्वारा नियंत्रण के लिए इंडियन एयरलाइंस के निदेशक मण्डल आगे आदेशों तक नियन्त्रित सरक्षणों के साथ कार्य करते रहेंगे :—

एयर इंडिया	इंडियन एयरलाइंस
1. श्री बी० एस० वाम, निदेशक प्रबंध निदेशक, एयर इंडिया	1. श्री ए० एच० भेहता अध्यक्ष प्रबंध-प्रबंध निदेशक, इंडियन एयरलाइंस
2. श्री बी० एल० शर्मा, निदेशक उप प्रबंध निदेशक, एयर इंडिया	2. श्री बी० एस० दास, निदेशक प्रबंध निदेशक, एयर इंडिया
3. श्री भाई० डी० सेठी, निदेशक उप प्रबंध निदेशक, एयर इंडिया	3. श्री सी० बी० जैन, निदेशक महानिदेशक (पर्यटन)
4. श्री सी० बी० जैन, निदेशक महानिदेशक (पर्यटन)	4. श्री के० एन० काठगू, निदेशक उप प्रबंध निदेशक, इंडियन एयर लाइन्स
5. कुमारी पी० लाल, निदेशक संयुक्त सचिव (वित्त), पर्यटन और नागर विभाग मंत्रालय	5. कुमारी पी० लाल, निदेशक संयुक्त सचिव (वित्त), पर्यटन और नागर विभाग मंत्रालय
6. श्री एन० सहगल निदेशक	6. श्री एम० एस० अप्पाराव निदेशक
7. कुमारी धूमेश ई फिलिप निदेशक	7. कुमारी धूमेश ई फिलिप निदेशक
8. श्री जे० एम० चूडासामा निदेशक	8. श्री हमेन्द्र प्रसाद बरमा निदेशक

MINISTRY OF TOURISM & CIVIL AVIATION

New Delhi, the 10th March, 1980

S. O. 930.—In continuation of the Ministry of Tourism & Civil Aviation Notification No. AV.18013/1/78-AC dated 6th February, 1980 and in exercise of the powers conferred by Section 4 of the Air Corporations Act, 1953 (27 of 1953), the Central Government direct that the Boards of Directors of Air-India and Indian Airlines will continue until further orders with the following members:

AIR INDIA

1. Shri B. S. Das, M.D., Air-India	Director
2. Shri C. L. Sharma, Dy. M.D., A.I.	"
3. Shri I. D. Sethi, Dy M.D., A.I.	"
4. Shri C. B. Jain, DG (Tourism)	"
5. Miss P. Lal, JS (F), M/T&CA	"
6. Shri N. Sahgal	"
7. Km. Thangam E. Philip	"
8. Shri J. M. Chudasama.	"

INDIAN AIRLINES

1. Shri A. H. Mehta, Chairman-cum-M.D., Indian Airlines.	Chairman
2. Shri B. S. Das, M.D., Air-India.	Director
3. Shri C. B. Jain, DG (Tourism)	"
4. Shri K. N. Kathju, Dy. M.D., I.A.	"
5. Miss P. Lal, JS (F), M/T&CA	"
6. Shri M.S. Appa Rao	"
7. Km. Thangam E. Phillip	"
8. Shri Hamendra Prasad Barooah.	"

[No. AV.18013/1/78-AC]

नई विल्ली, 28 मार्च, 1980

का० आ० 931.—वायु नियम अधिनियम 1953 (1953 का 27) की धारा 8(1) के साथ परिवर्त धारा 4 द्वारा प्रदत्त गविन्दों का प्रयोग करने वाला, केंद्रीय सरकार एवं द्वारा श्री रघु राज को तत्काल एयर-इंडिया का अध्यक्ष-व-प्रबन्ध-निदेशक नियुक्त करती है।

[संख्या ए० दी० 18013/3/80-ए०सी०]
वी० तुलसी दास, अवर सचिव

New Delhi, the 28th March, 1980

S.O. 931.—In exercise of the powers conferred by Section 4 read with Section 8(1) of the Air Corporation Act, 1953 (27 of 1953) the Central Government hereby appoints Shri Raghu Raj as Chairman cum-Managing Director of Air India with immediate effect.

[No. AV. 18013/3/80-AC]
V. THULASI DAS, Under Secy.

नई विल्ली, 26 मार्च, 1980

का० आ० 932.—केंद्रीय सरकार एवं द्वारा उम समयावधि को, जिसके कि अन्दर अन्दर भारत सरकार के पर्यटन और नागर विमान सेवालय की अधिसूचना सं० ए० दी० 15013/15/79-ए, विनांक 21 अगस्त, 1979 द्वारा नियुक्त की गयी जांच अदालत को उपर्युक्त अधिगृहन में निर्दिष्ट मामलों की जांच पूरी करने स्था केंद्रीय सरकार का अपनी रिपोर्ट प्रस्तुत करते की आशा थी, और आगे बढ़ाकर 30 जून, 1980 करती है।

[का० सं० ए० दी० 15013/15/79-ए]
आर० ए० गुप्ता, अवर सचिव

New Delhi, the 26th March, 1980

S.O. 932.—The Central Government hereby further extends upto the 30th June, 1980, the period of time within which the Court of Inquiry appointed by the Government of India in the Ministry of Tourism and Civil Aviation vide Notification No. AV 15013/15/79-A dated 21st August, 1979 will be expected to complete its inquiry into the matters specified in the Notification mentioned above, and report to the Central Government.

[F. No. AV. 15013/15/79-A]
R. N. GUPTA, Under Secy.

संचार मंत्रालय

(डाक तार बोर्ड)

नई विल्ली, 27 मार्च, 1980

का० आ० 933.—स्थायी आवेदा संख्या 627, विनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खंड III के पैग (क) के अनुसार डाक-तार महानिदेशक ने काशीपुर टेलीफोन केन्द्र में विनांक 16-4-80 से प्रमाणित दर प्रणाली लागू करने का निष्चय किया है।

[संख्या 5-11/80 दी० ए० दी०]

MINISTRY OF COMMUNICATIONS

(P & T Board)

New Delhi, the 27th March, 1980

S.O. 933.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies 16-4-1980 as the date on which the Measured Rate System will be introduced in Baraut Telephone Exchange, U.P. Circle.

[No. 5-11/80-PHB]

का० आ० 934.—स्थायी आवेदा संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खंड III के पैग (क) के अनुसार डाक-तार महानिदेशक ने काशीपुर टेलीफोन केन्द्र में दिनांक 16-4-80 से प्रमाणित दर प्रणाली लागू करने का निष्चय किया है।

[संख्या 5-11/80 दी० ए० दी०]
आर० सी० कटारिया, महानिदेशक (पी०ए०व०बी०)

S.O. 934.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies 16-4-80 as the date on which the Measured Rate System will be introduced in Kashipur Telephone Exchange, U. P. Circle.

[No. 5-11/80-PHB]

R. C. KATARIA, Assistant Director General (PHB)

श्रम संचालन

नंद दिल्ली, 25 मार्च, 1980

का० प्रा० 935.—केन्द्रीय संकार, कर्मचारी राज्य श्रीमा अधिनियम, 1948 (1948 का 31) की धारा 91क के साथ पठित धारा 87 हांग प्रदल अक्षियों का प्रयोग करने द्वारा, तथा भारत संकार के श्रम मत्तालय की अधिसूचना मंज्या का० प्रा० 1766, विनाक 10 मई, 1979 के अनुग्रह में, भारत हेली एंड वेसल्स लिमिटेड, विशाखापत्नम को, उक्त अधिनियम के प्रवर्तन से एक जुलाई, 1979 से 30 जून, 1980 तक, जिसमें यह दिन भी सम्मिलित है, की ओर अवधि के लिए छूट देती है।

2. पूर्वोक्त छूट की गते निम्नलिखित है, अधिकृत—

(1) उक्त कारखाने का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तनान था (जिसे इसमें इसके पश्चात उक्त अवधि कहा गया है), ऐसी विवरणिया, ऐसे प्रक्रम से और ऐसी विधियों सहित देगा जो कर्मचारी राज्य श्रीमा (माधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थी;

(2) निम्न द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राविकृत कोई अन्य पदधारी—

(i) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ ; या

(ii) यह अधिनियम करने के प्रयोजनार्थ कि कर्मचारी राज्य श्रीमा (माधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिनेत्र उक्त अवधि के लिए रखे गये थे या नहीं ; या

(iii) यह अधिनियम करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन फायदों को, जिसके प्रतिफलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और बस्तु रूप में पाने का हकदार बना हूँगा है, या नहीं ; या

(iv) यह अधिनियम करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के सभन्ध में उक्त अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किसी उपबन्धों का अनुपालन किया गया था या नहीं ;

निम्नलिखित कार्य करने के लिये सशक्त होगा—

(क) प्रधान या अध्यवक्ता नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है ; या

(ख) ऐसे प्रधान या अध्यवक्ता नियोजक के अधियोगाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परियम में किसी भी उचित समय पर प्रवेश करना और उसके प्रधारी से यह अपेक्षा करना कि वह अक्षियों के नियोजन और मजदूरी के सदाय से संबंधित ऐसे लेखा, बहिर्भूत और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समाध प्रस्तुत करें और उनकी परीक्षा करने दे, या उन्हें ऐसी जानकारी दे जिसे वे आवश्यक समझते हैं, या

(ग) प्रधान या अध्यवक्ता नियोजक को, उसके अधिकर्ता या सेवक को, ऐसे किसी अक्षियों की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परियम, में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विवाद करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना, या

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परियम में रखे गए किसी रजिस्टर, लेखाब्दीयों या अन्य दस्तावेज की नकल संयार करना या उससे उद्धरण लेना।

व्यावस्यात्मक ज्ञापन

इस मामले में पूर्वपिक्षी प्रभाव से छूट देनी आवश्यक हो गई है, क्योंकि छूट के लिए प्राप्त आवेदन-सत्र की कार्यवाई पर समय लगा। तथापि, यह प्रमाणित किया जाता है कि पूर्वपिक्षी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[मंज्या एस-38014/41/78-एच० प्राई०]

MINISTRY OF LABOUR

New Delhi, the 25th March, 1980

S.O. 935.—In exercise of the powers conferred by section 87, read with section 91A, of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour No. S. O. 1766, dated the 10th May, 1979, the Central Government hereby exempts the Bharat Heavy Plate and Vessels Limited, Visakhapatnam from the operation of the said Act for a further period from the 1st July, 1979 upto and inclusive of the 30th June, 1980.

2. The above exemption is subject to the following conditions, namely :—

(1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950 ;

(2) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—

(i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or

(iv) ascertaining whether any of the provisions of the Act has been complied with during the period when such provisions were in force in relation to the said factory ;

be empowered to—

(a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or

(b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S-38014/41/78-HI]

का०आ० 936.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91-के साथ पटित धारा 87 द्वारा प्रदत्त शक्तियों द्वारा प्रयोग करने द्वारा, और भारत मन्त्रालय के थम मन्त्रालय की अधिसूचना संबंधी का०आ० 3441, दिनांक 17 सितम्बर, 1979 के अनुक्रम में, दामोदर बैंकी कारपोरेशन के (1) 132 के०बी० प्रिड सब-स्टेशन, कुमारधुबी; (2) 132 के०बी० प्रिड सब-स्टेशन, नई सराय, रामगढ़ और (3) दामोदर बैंकी कारपोरेशन सब-स्टेशन, होवड़ा को पहली प्रकृति, 1979 से 30 जून, 1980 तक, जिसमें यह तारीख भी सम्मिलित है, वी अवधि के लिए उक्त अधिनियम के प्रयत्न से छूट देती है।

2. पूर्वोक्त छूट की पार्टें निम्नलिखित हैं, अर्थात्—

(1) उक्त कारबाने का नियोजक, उम अवधि की बाबत जिसके द्वारा उस कारबाने पर उक्त अधिनियम प्रयत्नमान था (जिसे इसमें इसके प्रत्यात उक्त अवधि कहा गया है), ऐसी विवरणियाँ, ऐसे प्रकृति में और ऐसी विशिष्टियों महित देगा जो कर्मचारी राज्य बीमा (माधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थी;

(2) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी—

- (1) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत वी गई किसी विवरणी की विशिष्टियों को मत्यापित करने के प्रयोजनार्थ ; या
- (2) यह अधिनियित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (माधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और प्रभिन्न उक्त अवधि के लिए रखे गये थे, या नहीं ; या
- (3) यह अधिनियित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन कायदों को, जिसके प्रतिकलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकारार बना हुआ है, या नहीं ; या
- (4) यह अधिनियित करने के प्रयोजनार्थ कि उम अवधि के द्वारा जब उक्त कारबाने के संबन्ध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्तु उपबन्धों का प्रन्यालन किया गया था या नहीं ;

निम्नलिखित कार्य करने के लिये मत्यापित होगा—

(क) प्रधान या अध्यवहित नियोजक से अपेक्षा करना कि यह उसे ऐसी जानकारी दें जिसे उपरोक्त निरीक्षक या अन्य पदधारी अवध्यक समझता है ; या

(ख) ऐसे प्रधान या अध्यवहित नियोजक के अधियोगाधीन किसी कारबाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रबंध करना और उसके प्रधारी से यह अपेक्षा करना कि यह व्यक्तियों के नियोजन और मजदूरी के मानव से संबन्धित ऐसे लेखा, बहियाँ और अन्य वस्तुवेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करे और उनकी परीक्षा करने दें, या उन्हें ऐसी जानकारी दें जिसे वे अवध्यक समझते हैं ; या

(1) प्रधान या अध्यवहित नियोजक की, उगके अमिकर्ना या ऐवक की, या ऐसे किसी व्यक्ति की जो ऐसे कारबाने, स्थापन, कार्यालय या अन्य परिसर, में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विवास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना ; या

(ब) ऐसे कारबाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखावही या अन्य वस्तुवेज की तकल तैयार करना या उसमें उद्धरण लेना ।

प्राध्यात्मक ज्ञापन

इस मामले में पूर्वीपक्षी प्रभाव से छूट देनी आवश्यक हो गई है, किंतु छूट के लिए प्राप्त आवेदन-पत्र की कार्यवाई पर समय लगा । तथापि, यह प्रमाणित किया जाता है कि पूर्वीपक्षी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा ।

[प्रा० 38014/9/78-प्रा०आई]

S.O. 936.—In exercise of the powers conferred by section 87, read with section 91A, of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour No. S. O. 3441 dated the 17th September, 1979, the Central Government hereby exempts (1) 132 K. V. Grid Sub-station, Kurnardhubi (2) 132 K. V. Grid Sub-station, Naisarai, Ramgrah and (3) Damodar Valley Corporation Sub-station, Howrah belonging to the Damodar Valley Corporation from the operation of the said Act for a further period with effect from the 1st October, 1979 upto and inclusive of the 30th June, 1980.

2. The above exemption is subject to the following conditions namely :—

(1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;

(2) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of :—

(i) Verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or

(iv) ascertaining whether any of the provisions of the Act has been complied with during the period when such provisions were in force in relation to the said factory; be empowered :—

(a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or

(b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such Inspector or other official and allow him to examine such accounts books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or

(d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[S. 38014/9/78-HI]

तारीख: 31 मार्च, 1980

कानून ९३७.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 87 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या कानून ३६३६, दिनांक १६ अक्टूबर, 1979 के अनुक्रम में, (1) भारत गोल्ड माईंस प्राइवेट लिमिटेड (सेन्ट्रल वर्क्षेप), ऊरगांव पोस्ट, कोलार गोल्ड फील्ड्स; (2) भारत गोल्ड माईंस प्राइवेट लिमिटेड (ऊरगांव ड्रिटिंग प्रेस), ऊरगांव पोस्ट, कोलार गोल्ड फील्ड्स को प्रश्नाती जुलाई, 1979 से 30 जून, 1980 तक, जिसमें यह तारीख भी सम्मिलित है, की अवधि के लिए उक्त अधिनियम के प्रवर्तन से छूट देती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, प्रभावित:—

(1) उक्त कारबाने का नियोजक, उम अवधि की बाबत जिसके द्वारा उम कारबाने पर उक्त अधिनियम प्रवर्तनमान था (जिसे इसमें इसके पश्चात उक्त अवधि कहा गया है), ऐसी विवरणियां ऐसे प्रैमियम में और ऐसी विवरितियां महित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी चाहीं।

(2) नियम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के प्रधीन नियुक्त किया गया कोई निरीक्षक, या नियम का इस निमित्त प्राधिकृत कोई अन्य पवधारी—

(i) धारा 44 की उपधारा (1) के प्रधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विविधियों को सन्तापित करने के प्रयोजनार्थ; या

(ii) यह अधिनियित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अधिकृत, उक्त अवधि के लिए रखे "गा" ये या रही; या

(iii) यह अधिनियित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन कायदों को, जिसके प्रतिकलन्तर्भूत इस अधिसूचना के प्रधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हक्कावाला बना हुआ है, या नहीं; या

(iv) यह अधिनियित करने के प्रयोजनार्थ कि उक्त अवधि के दौरान जब उक्त कारबाने के संबंध में अधिनियम के उपबन्ध प्रवर्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं;

नियन्त्रित कार्यवाची दोषों के लिए शर्तें होगी—

(क) प्रधान या अव्यवस्थित नियोजक द्वारा अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है; या

(ख) ऐसे प्रधान या अव्यवस्थित नियोजक के प्रथिभोगाधीन किसी कारबाने, स्थापन, कार्यालय या अन्य परिसर में, किसी भी उचित समय पर प्रवेश करना और उसके प्रधारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और सजूदी के संदर्भ से संबंधित ऐसे लेखा, बाह्यियों और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समझ प्रभुत करे और उनकी परीक्षा करने दे, या उन्हें ऐसी जानकारी दे जिसे ये आवश्यक समझते हैं, या

(ग) प्रधान या अव्यवहित नियोजक को उसके अभिकर्ता या सेवक की या ऐसे किसी व्यक्ति की जो ऐसे कारबाने, स्थापन कार्यालय या अन्य परिसर, में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विवाद करने का युक्तियुक्त कारण है कि कर्मचारी है, परीक्षा करना; या

(घ) ऐसे कारबाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबही या अन्य दस्तावेज की नकल तैयार करना या उससे उद्धरण लेना।

स्थापनात्मक ज्ञापन

इस मामले में पूर्वपिक्षी प्रभाव से छूट देनी आवश्यक हो गई है, क्योंकि छूट के लिए प्राप्त आवेदन-पत्र की कार्रवाई पर समय लगा। साथापि, यह प्रमाणित किया जाता है कि पूर्वपिक्षी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[सं. एस-38014/18/78, एच०शाह०]

S.O. 937.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour S. O. No. 3636, dated the 16th October, 1979, the Central Government hereby exempts (1) Bharat Gold Mines Private Limited (Central Workshop), Oorgaum Post, Kolar Fields; (2) Bharat Gold Mines Private Limited (Oorgaum Dairy), Oorgaum Post, Kolar Gold Fields and (3) Bharat Gold Mines Private Limited (Oorgaum Printing Press), Oorgaum Post, Kolar Gold Fields from the operation of the said Act for the period from the 1st July, 1979 upto and inclusive of the 30th June, 1980.

2. The above exemption is subject to the following conditions, namely :—

(1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;

(2) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—

- (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
- (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
- (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
- (iv) ascertaining whether any of the provisions of the Act has been complied with during the period when such provisions were in force in relation to the said factory;

be empowered to—

- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or
- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case as the processing of the application for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S. 38014/18 78-HI]

कांग्रेस 938.—केन्द्रीय सरकार ने कर्मचारी राज्य शोमा अधिनियम, 1948 (1948 का 34) की धारा 8 के खण्ड (क) के अनुसार में श्री आरोक्तोगो मुद्रामण्डा, भारत सरकार, अम मंत्रालय को श्री कें एगो रघुपति के स्थान पर कर्मचारी राज्य शोमा नियम को स्थायी समिति के अध्यक्ष के रूप में नाम निर्दिष्ट किया

प्रत: भव केन्द्रीय गवर्नर, कर्मचारी राज्य शोमा अधिनियम, 1949 (1948 का 34) की धारा 8 के अनुसार में, भारत सरकार के अम मंत्रालय की अधिसूचना संख्या कांग्रेस 477 (अ) दिनांक 16 जूलाई, 1976 में निम्नलिखित संशोधन करती है, प्रथम—

उक्त अधिसूचना में—

- (i) “केन्द्रीय सरकार द्वारा धारा 8 के खण्ड (क) के अधीन नाम निर्दिष्ट” शीर्षक के नीचे मंद 2 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, प्रथम—“श्री आरोक्तोगो एगो मुद्रामण्डा, भारत सरकार, अम मंत्रालय,

नई दिल्ली।”

- (ii) “केन्द्रीय सरकार द्वारा धारा 8 के खण्ड (अ) के अधीन नाम निर्दिष्ट” शीर्षक के नीचे मंद 2 के सामने की प्रविष्टि को हटा दिया जाएगा।

[संश्लेष्य नं 16012/2/80-एस०-भाई०]
हंसराज छाबड़ा, उप सचिव

S.O. 938.—Whereas the Central Government has in pursuance of clause (a) of section 8 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri R. K. A. Subrahmanyam, Additional Secretary to the Government of India, Ministry of Labour as the Chairman of the Standing Committee of the Employees State Insurance Corporation in place of Shri K. S. Raghupathi;

Now, therefore, in pursuance of section 8 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S.O.477(E), dated the 16th July, 1976, namely :—

In the said notification :—

- (i) under the heading “(Nominated by the Central Government under clause (a) of section 8)”, for the entry against item 1, the following entry shall be substituted, namely :

“Shri R. K. A. Subrahmanyam,
Additional Secretary to the Govt. of India,
Ministry of Labour, New Delhi.”

- (ii) under the heading : (Nominated by the Central Government under clause (b) of section 8)”, the entry against item 2, shall be omitted.

[No. U-16012/2/80-HI]
HANS RAJ CHABRA, Dy. Secy.

आवेदन

नई दिल्ली, 28 मार्च, 1980

कांग्रेस 939.—केन्द्रीय सरकार की राय है कि इससे उपर्युक्त अनुसूची में विनियिष्ट विधयों के बारे में मैसर्स टिकिन ऐरिस, एस-ईम्सेस और पेट्स लिमिटेड की हरगोनाथोना आयरलं और एण ऐड्रेस्टाइल माइक्रो के प्रबल्ल तत्व से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक शोधोगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को व्यायनिर्णयन के लिए निर्वैधित करना चाहती है;

प्रतः, घर, शोधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क द्वारा धारा 10 की उपधारा (1) के खण्ड (अ) द्वारा प्रदत्त ग्रन्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक शोधोगिक अधिकारण गठित करती है जिसके पीठासीन अधिकारी भी एण शेनुखापा होंगे, जिसका मुद्रालय बंगलौर में होगा और उक्त विवाद को उक्त शोधोगिक अधिकारण को व्यायनिर्णयन के लिए निर्वैधित करती है।

अनुसूची

“क्या कर्मकारों की (i) भव्यक्ति विस्फोटन अवस्क बोयने और दोन विस्फोटन रेड आक्साइड और लोह अवस्क में धूकशल कार्य, कम्प्रेसर संक्रिया वरमान और बौकसी रखने में वर्गे विधिवाली शोधियों के कर्मकारों की मजदूरी-वर्गों में संशोधन, और (ii) कम्प्रेसर आपरेटरों और ड्रिसरों और शोधोगियों के लिए मासिक बेतनमान लागू करने संबंधी मार्ग व्यायोगित है? यदि हाँ, तो वे किस प्रत्योग के हकदार हैं?

[गंभीर एल-26011/1/79-वी 3 बी]
एगो राज्य अधिकार सचिव

ORDER

New Delhi, the 28th March, 1980

S.O. 939.—Whereas the Central Government is of opinion that an industrial disputes exists between the employers in relation to the management of M/s. Tiffins Batytes, Asbestos & Paints Ltd. in respect of Hargonadona Iron Ore & Red Oxide Mines and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7-A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri H. Shanmukhappa shall be the Presiding Officer, with headquarters at Bangalore and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the demand of the workers for (i) revision of the wage rates paid to the different categories of workmen engaged in blasting ore, digging ore and hole blasting, unskilled work in red-oxide and iron ore, compressor operation, drilling and watching and (ii) for introduction of monthly scales of pay for compressor operators and drillers and watchmen is justified? If so, to what relief are they entitled?"

[No. L-26011/1/79-D.III.B]
A. K. ROY, Under Secy.

New Delhi, the 3rd April, 1980

S.O. 940.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad in the industrial dispute between the employers in relation to the management of Shri G. Basaviah and Shri G. Bhaskara Rao, Contractors of Chevuturu Lime Kankar Quarry, Chevuturu of M/s. Andhra Cement Company, Chevuturu and their workmen, which was received by the Central Government on 14th March, 1980.

BEFORE SRI M. SRINIVASA RAO, M.A.L.B., THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

Industrial Dispute No. 42 of 1978

BETWEEN

Workman of Chevuturu Lime Kankar Quarry, Chevuturu, Vijayawada.

AND

1. Shri G. Basaviah—Respondent No. 1.
2. Sri G. Bhaskara Rao, Contractors of Chevuturu Lime Kankar Quarry, Chevuturu of Messrs Andhra Cement Company, Chevuturu.—Respondent No. 2.
3. The Management of Andhra Cement Company, Vijayawada—Respondent No. 3.

APPEARANCES

- (1) Sri A. Lakshmana Rao, Advocate for Workmen.
- (2) None present for Sri G. Basaviah and G. Bhaskara Rao, Contractors of Chevuturu Lime Kankar Quarry.
- (3) Sri B. V. Subbaiah, Advocate for the Management.

AWARD

The Government of India, Ministry of Labour, New Delhi through its Order No. L. 29011/21/78/D.II.B dated 13-12-1978 has referred the dispute between the Employers

in relation to Chevuturu Lime Kankar Quarry, Chevuturu Post, Vijayawada Taluk and their Workmen with the following issue for adjudication by this Tribunal:

SCHEDULE

"Whether the demand of the workmen employed by Sarvashri G. Basaviah and G. Bhaskara Rao, Contractors of Chevuturu Lime Kankar Quarry, Chevuturu of Messrs Andhra Cement Company Chevuturu for payment of bonus for the accounting years 1972-73 to 1976-77 is justified? If so, to what relief the workmen are entitled?"

2. The reference has been numbered as Industrial Dispute No. 42 of 1978 and notices were issued to both the parties.

3. The Andhra Cement Company Workers' Union has taken up the cause of the workmen and the workmen are represented by their Advocate Sri A. Lakshmana Rao. On a petition filed on behalf of the workmen in M.P. No. 11 of 1979 the Management of Andhra Cement Company Limited has been impleaded as third Respondent in the industrial dispute. There is no representation on behalf of the Respondent No. 1 and Respondent No. 2 the alleged contractors Sarvashri G. Basaviah and G. Bhaskara Rao, referred to in the reference and they remained ex parte. The third Respondent who is the principal employer and who is brought on record as the Management-employer filed its written statement with reference to the claims at statement of the workmen.

4. The Management, that is, the third Respondent and the workmen represented by their Advocates are present and submit that they settled the dispute, that is, the subject matter of the reference and also other outstanding issues between them out of Court amicably and filed a joint memo praying that an award may be passed in terms of the Settlement. The settlement copy signed by all the concerned is also produced before this Tribunal along with the joint memo. I have gone through the Settlement and I am satisfied that it is just and fair settlement and also it is in the interest of the workmen. As it is a fair and equitable settlement, I accept it and adopt it as the award of this Tribunal.

5. Award is passed accordingly in terms of the Settlement. Copy of the settlement be attached as part of this award. Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 13th February, 1980.

Appendix of Evidence

Nil

Sd/- Illegible.
Presiding Officer.

[No. L-29011/21/78-D.II(B)]

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL),
HYDERABAD

I. D. No. 42/1978

BETWEEN

1. Workman of Chevuturu Lime Kankar Quarry, Chevuturu, Vijayawada Taluk, Krishna District—Claimants Workmen.

AND

1. Gollapudi Basaviah, Contractor, Chevuturu Limekankar Quarry, Chevuturu—Respondents.
2. Gollapudi Bhaskara Rao, Contractor, Chevuturu Limekankar Quarry, Chevuturu—Respondent.
3. Management of The Andhra Cement Co. Ltd., Vijayawada, Krishna Dist—Respondents.

MEMO FIELD ON BEHALF OF THE WORKMEN AND
THE 3rd RESPONDENT, MANAGEMENT

It is submitted that in full and final settlement of the Industrial Dispute No. 42/1978 pending on the file of this Hon'ble Tribunal, the workmen and the 3rd Respondent herein have entered into a Settlement dated 17-11-1979 and the original copy of the said settlement is herewith filed.

Respondents 1 and 2, the Contractors remained ex-party.

It is prayed that this Hon'ble Tribunal may please pass an Award in terms of the settlement relating to the said dispute.

For the Management.

For the Andhra Cement Co. Ltd., For Andhra Cement Co. Workers Union.

Sd/-

M. V. N. Choudary,
Manager (Personnel and Administration)

Sd/-

G. MALLIKHARJUNA RAO,
Joint Secretary.

Dated : 11-1-1980.

TRUE COPY

MINUTES OF THE JOINT MEETING HELD ON 17-11-79
BETWEEN THE MANAGEMENT OF THE ANDHRA
CEMENT CO. LTD., VIJAYAWADA AND THEIR
WORKMEN REPRESENTED BY THE ANDHRA CEMENT
COMPANY WORKERS' UNION

PRESENT :

Representatives of the Management :

1. Sri P. M. Das, General Manager (Works).
2. Sri M. V. N. Choudhary, Manager (Per. & Admn.)

Representatives of the Workmen :

1. Sri G. Subba Rao, President.
2. Sri V. V. Narasa Raju, General Secretary.
3. Sri G. Mallikhatjuna Rao, Joint Secy.

1. SALE OF CANTEEN TIFFJNS :

The Union Representatives have stated to the Deputy Labour Commissioner that the tiffins prepared for the workers on duty were passed out of the gate unscrupulously, thereby the workers on work are deprived of the tiffins prepared for them. It is agreed by both the parties that hereafter the tiffin carriers going outside the gate will be checked and people carrying out tiffins outside will be dealt with according to Law.

2. ENGAGEMENT OF CONTRACT AND CIVIL LABOUR :

The Union represented that the contract and civil labour are employed sometimes in the manufacturing process jobs. The Management made it clear that contract labour and civil labour are not employed in manufacturing process works. Now it is agreed that a Meeting will be called by the General Manager (Works) for which the Union Representatives will also be invited to decide which are not the manufacturing jobs. However, in the exigencies of work, contract and civil labour may be engaged in the manufacturing jobs also, in which case they shall be paid Wage Board rates. In case any injustice is done, it should be brought to the notice of the General Manager (Works) for sorting out the same.

3. PERMISSION TO UNION PRESIDENT & GENERAL SECRETARY

The Management clarified that instructions have already been issued to permit them to go out for official duties. In case of practical difficulties, the Union Representatives can meet the Chief Engineer and Plant Engineer and obtain permission and the Management will again issue suitable instructions to the Officers concerned.

4. CASUAL LABOUR RECRUITMENT

It is represented by the Union that no procedure is followed at the time of recruitment of casual labour, so much so lot of galata is going on and sometimes resulting in fight between the workers at the gate at the time of recruitment of casual labour. To avoid such scenes at the gate, the Union represented that a list of casual labour to be recruited is to be prepared and the recruitment is to be confined to the list only, until it is exhausted. The Union further represented that the civil and the contract labour, who have been working from a long time in the Company should be taken into the casual labour list. They have also quoted precedent for this.

The Management agreed for this and a casual labour list on the basis of inter-seniority is now prepared and annexed to these Minutes. It is agreed by both the parties that the casual labour has no right to regular employment and the Management cannot ensure regular employment to the casual labour. The civil and contract labour, who have opted now to come to the casual labour list, cannot have a hen on their previous jobs.

The Union represented that the casual labour should be recruited on the basis of rotation, but under the existing circumstances, the Management suggested that the same procedure now being followed for recruitment of casual labour should be continued.

With regard to future recruitment of civil and contract labour, employees' children will be given preference, subject to suitability and other things being equal. This preference will be given, if there is no other member of the family working in the Company.

It is agreed by both the parties to prepare and maintain a badli labour to work as substitutes for permanent workers who absent from duty and for other maintenance jobs. This list will be prepared by selecting suitable skilled people, with required aptitude, health and physique and qualifications from the casual labour list. While preparing the list of badlies, casual khalasis and drivers, etc. presently working in the Company will also be considered. Where skilled candidates are not available in the casual labour list, the Management is at liberty to recruit badlies from outside.

For future vacancies in semi-skilled and skilled jobs, the selection will be done from the badli list, subject to suitability and trade test. If required skilled and qualified people are not available, outside recruitment can be resorted to by the Management. Future vacancies of mazdoors, will be filled up from casual labour list on the basis of seniority, subject to physical fitness.

5. PAYMENT OF RETRENCHMENT COMPENSATION,
GRATUITY, ETC. TO CHEVUTUR LABOUR :

The Union represented that the contract labour working in excavation and loading of lime-kankar in the quarries of the Company in Chevutur, whose services were terminated, should be paid retrenchment compensation, gratuity, bonus, etc. since they have been working from a long time in the same quarries. The Management contended that they have worked with various contractors and they have not put in continuous service, entitling them for any retrenchment compensation, gratuity or bonus. They further contended that there is no relationship as employer and employees between the Management and these workmen. As such, no amount is payable by the Company. However, as a gesture of goodwill and with a view to have cordial relations, the Management agreed to pay to each of the workman Rs. 200 as ex-gratia in full and final settlement of all their claims against the various contractors under whom they have worked as well as against the Management of The Andhra Cement Co. Ltd., on par with those workmen who were already paid.

The Union represented that they have raised a dispute with regard to payment of bonus for these workmen for a period of 8 years processed through and the same was referred to the Industrial Tribunal as ID 42/78 for adjudication. The dispute is pending before the Industrial Tribunal Hyderabad. They represented that they have incurred considerable amount as expenses in connection with this

case and the Management should pay the expenses incurred by the Union in this connection. The Management agreed to pay Rs. 3,000 towards all the expenses incurred by the Union in this case. The Union has agreed to withdraw the Industrial Dispute 42 of 78 pending before the Industrial Tribunal, Hyderabad.

6. The Union has represented that Mr. S. Kistnamma, Mazdoor Ticket No. 458, was superannuated with effect from 22-4-1978 on the basis of the age fixed by the Company's Medical Officer and that he has produced a Certificate issued by Military Authorities according to which he got 4 more years of service. The Management contended that when he failed to produce any proof of his age, his age was fixed by the Management, which is noted in the records of the Company and that they will act on that only. The worker has filed IP 381 of 78 in the Sub-Court, Vijayawada and the same is pending. The Management agreed at the instance of the Conciliation Officer to pay Rs. 1,500 to the workman as a gesture of goodwill and on sympathetic grounds. It is clearly understood that this will not be precedent and in future no such claim will be entertained by the Company and the date of birth as entered in the records of the Company is final and binding.

7. IMPLEMENTATION OF THE AWARD :

The Union represented that the Arbitrator's Award is not properly and completely implemented. The Management contends that the Arbitrators' Award was thoroughly discussed with the Union representatives and it was implemented in full and completed. However, the following issues were pointed out by the Union again which the Management agreed as below :

1. Heavy Vehicle allowance, washing allowance are being paid from 1-9-1979 onwards. The Management agreed to pay heavy vehicle allowance, washing allowance from 1-10-1978 to 31-8-1979 before end of this month.

2. Prorata casual leave for the period 1-10-1978 to 31-12-1978 : The Management agreed to credit to the accounts of the workmen prorata casual and sick leave for the period from 1-10-1978 to 31-12-1978 as per the Arbitrators' Award, which works out to one day.

3. The Union represented that heat allowance as per the Award shall be paid throughout the year. The Management contended that it is payable only during summer months, February to July. This issue will be taken up after getting the clarification.

4. Lumpsum Payment : The Management agreed to pay lumpsum payment of Rs. 650 prorata to the workmen, who left the service prior to 1-10-78 as and when they approach the Company for the same.

5. The Union represented that out of Award increase of Rs. 55, Rs. 32.50 is to be treated as basis for purposes of payment of Travelling allowance and Daily Allowance and the Management agreed to add Rs. 32.50 as basic for this purpose.

6. At the instance of the Conciliation Officer and with a view to keep cordial relations with the Union, the Management has agreed as a special case for the fitment of the following workmen as shown hereunder, with effect from 1-10-1978 :

Name	Designation	Present Grade	Grade to be given
1	2	3	4
S/Shri			
1. P. Subba Rao	Cashier	III	VI
2. M. Seshgiri Rao	Accountant	IV	VI
3. P. Srinivasa Rao	Purchase Clerk	III	IV
4. D. Raghulamiah		II	IV
5. S. V. Avadhani	Packing House Clerk	II	III
6. V. Narayana Raju	-do-	II	III
7. C.R. Krishna Murthy	-do-	II	III

1	2	3	4
S/Shri			
8. K.V. Subba Rao	Packing House Clerk	I	II
9. T. George	Watchman	D	C
10. B. Ch. Chennaih	Driver	C	B
11. B. V. Subbaramiah	Electrician	C	B
12. Ch. V. Satya Murty	Electrician	A	V
13. M. P. Ranga Rao	Asst. Elec.	D	C
14. K. Mangaiah	Hammerman	D	C
15. S. Ramkrishna Rao	Asst. Draftsman	IV	VI
16. M. Narasimha Rao	Calculator	C	B
	Attendant		
17. N. Venkateswara Rao	Magazine in-charge	II	III
18. T. Ramanjaneyulu	Stores Clerk	II	III
19. K. V. Rama Raju	Compounder	II	IV
20. P. Venkateswarlu	Clerk	I	II
21. M. R. Mohan Rao	Electrician	C	B
22. M. Gopalakrishnaiah	Clerk	III	IV
23. M. Venkataratnam	Clerk	IV	V
24. B. Subba Rao	Clerk	II	III

The Parties hereby agreed with this the implementation of Arbitrators' Award has been implemented in full.

On behalf of the Management :

Sd/- (P. M. DAS)

Genl. Manager (Works)

Sd/- (M. V. N. CHOUDARY)

Manager (Per 'Admn.')

Before me

Sd/-

Deputy Commissioner of Labour,

ELURU.

On behalf of the Andhra Cement Co. Workers' Union :

Sd/- (G. SUBBA RAO)

President

Sd/- (V. V. NARASA RAJU)

General Secretary.

Sd/- (G. MALLIKHARJUNA RAO)

Joint Secretary.

M. SRINIVASA RAO, Presiding Officer

S.O. 941.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Madras in the industrial dispute between the employers in relation to the management of Dalmia Magnesite Corporation, Salem and their workmen, which was received by the Central Government on the 18th March, 1980.

BEFORE THIRU T. SUDARSHANAM DANIEL, B.A., B.L., PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, MADRAS

(Constituted by the Government of India)

Thursday, the 6th day of March, 1980

Industrial Dispute No. 37 of 1979

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Dalmia Magnesite Corporation, Salem).

BETWEEN

Thiru Chinnapaiyan Govindan,

C/o The General Secretary,

Salem District Magnesite Labour Union,

237, Tharamangalam Road, Suramangalam, Salem-5.

AND

The Manager,
Dalmia Magnesite Corporation, Salem-12.

REFERENCE :

Order No. L-27012/1/78-D.III.B, dated 3rd August, 1979
of the Ministry of Labour, Government of India.

This dispute coming on for final hearing on Tuesday, the 29th day of January, 1980 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru K. Chandru for Thiruvalargal Row and Reddy and K. Chandru, Advocates for the workman and of Thiru S. Ramasubramaniam for Thiruvalargal King and Partridge, Advocates for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following:—

AWARD

This is an Industrial Dispute under section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in Order No. L-27012/1/78-D.III.B, dated 3-8-1979 of the Ministry of Labour referred to this Tribunal between the workmen and the Management of Dalmia Magnesite Corporation, Salem in respect of the following issue:

Whether the action of the management of Dalmia Magnesite Corporation, Salem in dismissing Shri Chinnapaiyan Govindan Mine Mazdoor, Chetti Chavadi Jaghir Magnesite Mines with effect from 23-1-1978 is justified? If not, to what relief the workman is entitled?

(2) Facts leading upto the dispute are briefly as follows: The Petitioner Sri Chinnapaiyan joined the service of the Respondent, viz., the Management of Dalmia Magnesite Corporation, Salem-12 as a Mazdoor with effect from 1-9-1969. On 19-12-1977, the Management under Ex. M-12 issued a charge sheet to the Petitioner accusing that the Petitioner has committed misconducts under certified Standing Order 57(24), 57(25) and 57(27). Certified Standing Orders of the Company is marked as Ex. M-23. The Petitioner-Mazdoor sent his reply Ex. M-14 on 22-12-1977. Apparently, the Management was not satisfied with the explanation offered by the worker and therefore decided to institute a domestic enquiry. Sri B. R. Ramamoorthy was appointed as Enquiry Officer. Ex. M-15 is the Enquiry Notice dated 22-12-1977. Ex. M-16 is the Enquiry Proceedings and Ex. M-17 is the report of the Enquiry Officer. The enquiry was held on 23-12-1977, 27-12-1977 and 30-12-1977. On behalf of the Management, seven witnesses were examined and the worker did not cross-examine witnesses 1 to 6, but cross-examined only witness No. 7. The worker also examined two witnesses on his side which however were closely cross-examined by the representative of the Management. On the analysis of the materials placed the Enquiry Officer held that the worker is guilty of charges levelled against him. Ex. M-17 is the findings of the Enquiry Officer dated 8-1-1978. On receipt of this Report, the Manager of the Respondent-Management agreed with the findings of the Enquiry Officer and tentatively proposed to dismiss the worker and directed the issue of show cause notice why he should not be dismissed. Ex. M-18 is the show cause notice issued to the worker on 11-1-1978. Ex. M-19 is the reply sent by the worker. Ex. M-20 is the order of dismissal passed by the Management on 23-1-1978. Ex. M-21 is the further letter of the workman dated 30-1-1978 to the Management to reconsider the order of his dismissal. As nothing tangible came from the Management, the worker had to move the Regional Labour Commissioner (Central), Madras for intervention—vide Ex. M-22 dated 9-4-1978. Subsequently the Government of India has referred this issue to this Tribunal for adjudication on 3-8-1979.

(3) Learned counsel for the workman Thiru Chandru contends that the enquiry conducted by the Respondent-Management is vitiated as reasonable opportunity was not afforded to the workmen to defend himself. The Petitioner is working as a Mazdoor under the Respondent-Management from 1969. He is illiterate. Ex. M-12 is the copy of the charge sheet issued to the Petitioner and is dated 19-12-1977. But this has been served on the Petitioner only on 21-12-1977—vide the thumb impression of the Petitioner in Ex. M-12 for having received the original charge-sheet. Petitioner was placed under suspension forthwith from 21-12-1977 pending enquiry. It

may also be noted that the Tamil translation of the charge sheet (in English) served on the Petitioner was furnished to the Petitioner only on 23-12-1977, possibly at the time of commencement of the Enquiry. But Ex. M-14 is the explanation furnished by the worker even on 22-12-1977. It is to be noted that as soon as the Petitioner submitted his explanation under Ex. M-14 on 22-12-1977, even on the self-same day, the Management found that the explanation is not acceptable and therefore decided to conduct a domestic enquiry. The notice of domestic enquiry Ex. M-15 was served on this Petitioner on 22-12-1977. It should be remembered that the Petitioner has received this Notice on the day when he submitted his explanation Ex. M-14 and this notice Ex. M-15 fixed the domestic enquiry to commence from 9.00 A.M. on the very next day, namely, 23-12-1977. In this context I must point out that the disciplinary proceedings against the worker had been initiated on the basis of two reports Exs. M-9 and M-10 said to have been dated 12-12-1977. But in the charge sheet Ex. M-12 (probably show cause notice) dated 19-12-1977 there is no whisper that the charge levelled against the worker had been based on receipt of two reports dated 12-12-1977. More to the point, Ex. M-12 does not furnish copy of the statements Exs. M-9 and M-10. The worker has submitted his explanation Ex. M-14 on 22-12-1977. On receipt of this explanation, the Management decided to hold the enquiry. Ex. M-15 is the notice of enquiry and this is dated even 22-12-1977. Significantly, even though the enquiry has to be scheduled to commence within 12 hours of the issue of notice under Ex. M-15, the copy of Exs. M-9 and M-10 had not been furnished to the worker. Even from Ex. M-15 it can be concluded that neither copies of Exs. M-9 and M-10 nor any other material had been furnished to the worker to enable him to meaningfully participate in the enquiry scheduled to be held hardly within 12 hours thereof. In 1963-II-L.J. Page 371 (Kesoram Cotton Mills Ltd. vs. Gangadhar and others) the Supreme Court has indicated that atleast two or three days notice must be given for holding the enquiry. If that be so the commencement of the enquiry hardly within 12 hours of the issue of notice of enquiry and suspending of the worker and without furnishing copies of the documents must be held to be violative of principles of natural justice.

(4) Learned counsel for the Petitioner further points out that the domestic enquiry conducted against illiterate delinquent without the services or assistance of a representative of the trade union must be held to be violative of clause 59(2) of the Standing Orders of the Respondent-Management Ex. M-23. Standing Order 59(2) runs as follows:

"The management or an employee of the Corporation or any other person authorised by the management shall institute an enquiry against such workman before imposing any of the punishments.

In the enquiry, the workman shall be entitled, to appear in person and/or to be represented by an office-bearer of a trade union of which he is a member. No order imposing any punishment shall be made except after holding an enquiry against the concerned workman in respect of the alleged misconduct.

Provided that no enquiry shall be necessary in case where a workman has accepted unqualifiedly or unambiguously the charges framed against him."

But the enquiry notice Ex. M-15 does not apprise the charge sheeted workman that in the enquiry he shall be entitled to appear in person and/or to be represented by an office-bearer of a trade union of which he is a member. This clause is apparently mandatory. In such a situation, one would normally expect the workman to be informed about his rights under the Standing Order to avoid any charge of unfairness. In 1979-I-L.J.-Pages 60 at 69 (Navinchandia Shakerchand Shah vs. Ahmedabad Co-operative Department Stores Limited), Gujarat Division Bench has held that in order that the inquiry has to be in accordance with the principles of natural justice, apart from technically whether permission is asked for or not have been asked for, a time has come to expect the employer or his nominee to inform the employee of his rights. If thereafter the employee does not avail of the opportunity, no grievance could be made. Their Lordships further pointed out that "sitting in law Courts day in and day out we know what the art of cross-examination is and few have mastery over it" and therefore one can easily imagine what a helpless illiterate charge-sheeted worker could

have done un-aided and unhelped by any one. Therefore also the enquiry cannot be held to be fair or proper. Again our High Court in an unreported decision rendered in W.P. No. 64 of 1977 dated 30-10-1979 Justice A. Varadarajan has held that the findings of the domestic enquiry must be set aside as the worker was not provided with the help of a co-employee. If that be so, with a greater force it must be said on the facts of the present case because under the enquiry notice Ex. M-15 it is not even stated that the worker shall be entitled to be represented by an office bearer of a trade union. In the circumstances, the enquiry held cannot be stated to be just or fair.

(5) Learned counsel for the Petitioner also points out that the Enquiry Officer did not conduct the enquiry in an impartial manner and the procedure adopted by him is highly improper. On behalf of the Management, 7 witnesses were examined. 1st witness is Thiru K. Karumalai while the 2nd witness is Thiru P. Kaveri. Of course, the delinquent did not choose to cross-examine these two witnesses. While so after six witnesses were examined on behalf of the Management, the Management's representative recalled the 1st witness Thiru K. Karumalai and examined him further. Ex. M-16 is the enquiry proceedings. There is nothing to indicate in Ex. M-16 that the Management's representative did in fact make any request either in writing or orally to the Enquiry Officer to recall the first witness for the Management. This procedure is rather extraordinary because even without any request by the Management the domestic Enquiry Officer had permitted the recalling of this witness. Moreover, witness had been asked to speak to certain facts which he had not spoken earlier in his examination on 23-12-1977. The gist of the further examination is that at the time of the incident, the delinquent was in a drunken state. It must be remembered that it was not the charge levelled against the delinquent that he was in a drunken state at the time of the alleged incident. However, this much is certain that whenever the Management wanted any witness to be recalled the same is permitted by the domestic Enquiry Officer. Further more, the questions put by the Management's representative at that stage was clearly leading ones. Besides on 30-12-1977, when the first witness Thiru Manickam was examined on behalf of the delinquent and before his cross-examination was over the Management had produced the first witness Thiru K. Karumalai and he was shown the first witness Thiru Manickam already examined and the next witness Thiru Govindan to be examined by the delinquent and a record has been made by the Enquiry Officer that the said witness Karumalai had denied that these two witnesses were present at the time of the incident on 12-12-1977. Therefore it is obvious that at every stage with the assistance of the obliging Enquiry Officer and the witnesses for the Management certain point is elicited out of the way or turn to negative the evidence put forward by the delinquent. On the same day, the Management had recalled the third witness Thiru A. Sengodan and he was also asked whether defence witnesses 1 and 2 were present at the time of the incident. After the witnessess on behalf of the workmen were examined the Enquiry Officer called on the delinquent-worker to make any further statement if he liked and the workmen has denied the occurrence and has stated what actually had taken place. Thereafter curiously the worker was subjected to the cross-examination by the Management's representative. Earlier after fourth witness witness for the Management was examined, the Management had recalled the second witness Thiru P. Kaveri and elicited that the delinquent was in a drunken state at the time of the incident. Fifth witness examined by the Management was a Security Officer. He had been examined to speak to the fact that some time prior to the incident the delinquent had passed that way in a drunken state. To a similar effect is also the evidence of seventh witness. A perusal of the questions put by Management's representative to the several witnesses examined by the Management would easily disclose that most of them were leading questions suggestive of the answer required or desired or expected by the Management. It is manifest that often and on the witnessess had been recalled and asked to deny certain facts which may be proved by the delinquent. Thus there is considerable force in the contention of the learned counsel for the Petitioner that the Enquiry Officer was obliging the Management at every stage by not following a known procedure in the matter of recording evidence before him. Hence I cannot but hold that the enquiry conducted was impartial. For the reasons stated above I am constrained to find that the domestic enquiry held was neither fair nor proper.

(6) In view of my finding in paragraphs supra that the domestic enquiry held is not fair or proper, it has to be seen as to what has to be done next. In 1972-I-L.L.J.-Page 180 (Delhi Cloth and General Mills Co. Ltd., vs. Ludh Budh Singh), the Supreme Court has pointed out that :

- (i) If no domestic enquiry has been held or if the management makes it clear that it does not rely upon any domestic enquiry held by it is straightforwardly entitled to adduce evidence in support of the action proposed to be taken and then the Tribunal is bound to consider that evidence so adduced before it on merits and give a decision thereon;
- (ii) if a domestic enquiry has been held it is open to the management to rely upon such enquiry in the first instance and alternatively and without prejudice to its plea that the enquiry is proper and binding simultaneously adduce additional evidence before the Tribunal justifying its action;
- (iii) when the management relies on the enquiry and also simultaneously adduce evidence before the Tribunal without prejudice to its plea that the enquiry is proper, it is the duty of the Tribunal in the first instance to consider whether the enquiry is valid or proper and if it is satisfied the enquiry was proper the question of considering the evidence before it on merits no longer survives. It is only when the Tribunal holds the enquiry was not properly held it derives jurisdiction to consider the evidence adduced before it and decide on the basis of such evidence;
- (iv) when the Management relies on the domestic enquiry it is open to them to request the Tribunal to try the validity of the domestic enquiry as a preliminary issue and also ask for an opportunity to adduce evidence in case the preliminary issue is decided against them. When the preliminary issue is decided against the management and the latter wants to give evidence before the Tribunal, an opportunity to adduce such evidence must be given and it will not be just and fair for the Tribunal to refuse to take evidence and :
- (v) the management has got a right to attempt to sustain its order by adducing independent evidence before the Tribunal. But the management should avail itself of the said opportunity by making a suitable request to the Tribunal before the proceedings are closed.

In this case even in the counter statement filed by the Management, there is no whisper that the Management must be given an additional opportunity to adduce evidence if the domestic enquiry is not held to be fair and proper. As a matter of fact, it was open to the counsel for the Management to ask for such an opportunity even at the close of the arguments. But significantly even though the learned counsel for the worker Thiru Chandru had earlier pointed out that if the Management is so advised that even at this stage can ask for additional opportunity to adduce evidence, the learned counsel appearing for the Management did not in fact make any such request. Apparently the Management was rest content with the domestic enquiry proceedings and the findings thereon. The Supreme Court points out that if the employer relies only on the domestic enquiry and does not simultaneously lead additional evidence or ask for an opportunity during the pendency of the proceedings to adduce such evidence, the duty of the Tribunal is only to consider the validity of the domestic enquiry as well as the finding recorded and decide the matter. I have already pointed out several reasons why the domestic enquiry held by the Management is violative of principles of natural justice.

(7) The case of the Petitioner is that the awarding of punishment by the Management is in contravention of clause 59(10) of the certified Standing Orders. Ex. M-23 is the certified Standing Orders. It states that in awarding punishment under this order, the authority competent to inflict the punishment shall take into account the gravity of the misconduct, the previous record or any other extenuating or aggravating circumstances that may exist. The Petitioner has put in 7 years of service as Mazdoor under the Respondent-Management. Ex. M-20 is the final order or dismissal passed by the Management on 23-1-1978. Ex. M-20 passed by the Manager of the Respondent-Management only indicates that the authority had perused the enquiry proceedings once again and did

not find any extenuating circumstances and that the charge proved against him is grave and serious. But strangely, the previous record of the delinquent has not been taken into consideration. In order to make up for the failure to consider the past record the Respondent-Management has produced the disciplinary action chart Ex. M-1 relating to the Petitioner. However, the imperative requirement of clause 59(10) of the Standing Order Ex. M-23 to take into account at the time of determining the punishment the previous record into consideration had not been followed and to that extent the award of punishment must be held to be defective. Clause 59(11), (12) and (13) of Ex. M-23 provide for appeal by the aggrieved workman. In the order of dismissal Ex. M-20, the Management does not inform this illiterate worker of his right of appeal if he is really aggrieved by the order passed by the Management. Under clause 59(12) the Management shall for the purpose of clause (11) specify the appellate authority. In Ex. M-20 the Management does not specify who this appellate authority would be. Therefore it is clear that in passing the dismissal order under Ex. M-20 the Management has violated Standing Order 59(11), (12) and (13) of Ex. M-23. Therefore also the order of dismissal cannot be sustained.

(8) I may also find out if even on the materials placed whether the findings of the Enquiry Officer are perverse. The simple charge levelled against the worker is that he stopped the Company's vehicle driven by the first witness and abused him. Even according to the driver others were also present at the time of the incident. It should also be remembered that the worker does not altogether deny any incident. According to the worker while he was coming on the cycle, the vehicle driven by the 1st witness for the Management was coming in a rash manner and therefore he found fault with the driver and that has been magnified into a serious complaint by the driver of the vehicle. When the driver is coming in Ambassador Car there is absolutely no apparent reason for him to stop his vehicle on the public road at the sight of a pedestrian-petitioner. It must be pointed out that the incident had taken place not at the factory but at a place in the public road about a mile away from the factory premises. If in fact in a public place the Petitioner in a drunken state did any act amounting to riotous misbehaviour, certainly a complaint would have been lodged either by the driver or by the Company to the Police against the worker. Admittedly, this did not take place. The Petitioner is held to have committed misconduct under Standing Order 57(24), (25) and (27) of Ex. M-23. Even according to the Management, Standing Order 57(24) and (25) will be in-applicable because the incident did not take place at the section, establishment, factory, mines, etc., or within the premises of the industrial establishment. It may also not come under clause 57(27) because even according to the Management the worker was not carrying any concealed weapons. According to the worker he did stop the vehicle and found fault with the driver for having driven the vehicle in a rash manner. Admittedly, there is no enmity between the driver and the worker prior to the incident. Realising that this alone will not be sufficient the Management has subsequently introduced the case that the Petitioner was in a drunken state, but this claim is not found in the charge-sheet Ex. M-12, and to give a colour of reality the Management has examined few more witnesses, for which there is no case against the Petitioner under Ex. M-12. Petitioner has been suspended even on the date of service of the show cause notice Ex. M-12 on 21-12-1977. While so the ordinary delay in taking action would indicate that the version of the incident of 12-12-1977 of the Petitioner is true. Therefore it can be seen that any person in normal senses would only come to the conclusion that the incident had taken place only in the manner spoken to by the Petitioner and supported by the two witnesses examined by him. In that view, the findings of the Enquiry Officer must be held to be perverse. Learned counsel for the Petitioner Thiru Chandru finally points out that the Management has no jurisdiction to take action against an incident which is purely a personal one and that too which had taken place outside the working hours and away from the premises. Support for this position is sought to be placed in the decision of the Supreme Court reported in 1964-II-L.L.J.—Page 130 (Tata Oil Mills Company Ltd., vs. its workmen by the Tata Oil Mills Workers' Union, Ernakulam, and another). Even according to the case of the Management, in a drunken state, the Petitioner has committed the incident at a place about a mile away from the factory. Therefore by no stretch of imagination can it be said that such a conduct can be held to have any rational connection with

the employment of the Petitioner. Thus looked at from any angle, the Petitioner could not be held to have committed any misconduct whatsoever under any of the clauses of the Standing Orders Ex. M-23.

(9) In the result an Award is passed holding that the non-employment of the Petitioner is unjustified and directing his reinstatement with back wages and continuity of service. I also direct the Management to pay a cost of Rs. 150 to the Petitioner.

Dated, this 6th day of March, 1980.

T. SUDARSANAM DANIEL, Presiding Officer

[No. L-27012/1/78-D.III. B)]
A. K. ROY, Under Secy.

WITNESSES EXAMINED

For both parties—None.

DOCUMENTS MARKED

For workmen—Nil.

For Management :

- Ex. M-1—Chart showing the disciplinary action taken against the worker.
- Ex. M-2 series (15-10-1973, 19-10-1973)—Charge sheet issued to the worker and warning memo.
- Ex. M-3 series (16-10-1973, 24-10-1973)—Charge sheet and warning memo issued to the worker.
- Ex. M-4/13-4-1974—Charge sheet issued to the worker.
- Ex. M-5/10-5-1974—Suspension order issued to the worker.
- Ex. M-6 series (1-3-1976, 8-4-1976)—Charge sheet and warning memo issued to the worker.
- Ex. M-7 series (24-8-1976, 23-9-1976)—Charge sheet and warning memo issued to the worker.
- Ex. M-8 series (17-11-1977, 9-12-1977)—Charge sheet and warning memo issued to the worker.
- Ex. M-9/12-12-1977—Report of Thiru Karumalai, Driver against the worker.
- Ex. M-10/12-12-1977—Report of Thiru P. Kaveri against the worker.
- Ex. M-11/12-12-1977—Statement of Thiru A. Sengodan.
- Ex. M-12/19-12-1977—Charge sheet issued to the worker.
- Ex. M-13/19-12-1977—Tamil translation of Ex. M-12.
- Ex. M-14/22-12-1977—Reply of the worker to Ex. M-12.
- Ex. M-15/22-12-1977—Enquiry notice issued to the worker.
- Ex. M-16—Enquiry Proceedings.
- Ex. M-17/8-1-1978—Report of the Enquiry Officer.
- Ex. M-18/11-1-1978—Show cause notice proposing the punishment of dismissal.
- Ex. M-19/21-1-1978—Reply of the worker to Ex. M-18.
- Ex. M-20/23-1-1978—Dismissal order issued to the worker.
- Ex. M-21/30-1-1978—Letter from the worker to the Management requesting to reconsider the order of dismissal.
- Ex. M-22/9-4-1978—Letter from the worker to the Regional Labour Commissioner (C), Madras requesting for intervention.
- Ex. M-23—Standing Orders of the Company.

T. SUDARSANAM DANIEL, Presiding Officer

Note: Parties are directed to take return of their document/s within six months from the date of the Award.

New Delhi, the 1st April, 1980

S.O. 942.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of East Bhuggatdih Colliery of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad and their workmen, which was received by the Central Government on the 22nd March, 1980.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) DHANBAD

Reference No. 76 of 1979

In the matter of an industrial dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES :

Employers in relation to the management of East Bhuggatdih colliery of Messrs Bharat Coking Coal Limited, Post office Jharia, District Dhanbad.

AND

Their workmen.

APPEARANCES :

On behalf of the employers.—Shri T. P. Choudhury, Advocate.

On behalf of the workmen.—Shri S. P. Singh, General Secretary, Khan Mazdoor Congress.

State : Bihar

Industry : Coal.

Dhanbad, the 15th March, 1980

AWARD

The Central Government by notification No. L-20012/56/77-DIIA dated 31-8-1977 has referred the undermentioned dispute for adjudication by this Tribunal as per schedule mentioned below :

SCHEDULE

"Whether the action of the management of East Bhuggatdih colliery of Messrs Bharat Coking Coal Limited, Post office Jharia, District Dhanbad in dismissing Shri Parmeshwar Mahato, Miner/loader, with effect from 15th September, 1976 is justified ? If not, to what relief is the said workman entitled ?"

On 18-4-76 Shri Parmeshwar Mahato was found making a 'karahi' in his dhowra out of an iron sheet of 1/3rd inch which was the property of the colliery. He was caught by the security staff in the act of making karahi and the security staff reported the matter to the higher authority. A charge-sheet was submitted against Shri Parmeshwar Mahato under order 29(2) of the certified standing orders, and he was asked to show cause why disciplinary action should not be taken against him. The concerned workman submitted his reply which was found to be unsatisfactory and a domestic enquiry was instituted which was conducted by Shri A. K. Srivastava, Senior Personnel Officer. The enquiry officer on examination of the management and defence witnesses found that the iron sheet belonged to the property of the management and was used as a cover on a drain for the safety of the pedestrians. He also found that the concerned workman has removed that iron sheet from the place where it was kept to his own dhowra and he was found by the security staff in the act of preparing karahi out of that iron sheet. The enquiry officer therefore found that the concerned workman

had committed theft of the iron sheet which offended order 29(2) of the certified standing orders.

The management considered the report of the enquiry officer and found that it was a very serious offence which merited dismissal of the concerned workman and therefore by their order dated 15-9-76 dismissed the workman from service. An Industrial dispute was raised resulting in this reference.

A preliminary hearing was given on the question as to whether the domestic enquiry was fair and proper. On consideration of the matters it was found that the domestic enquiry was fair and proper. The only point, therefore, remains to be seen whether the punishment for dismissal under circumstances was justified.

On behalf of the workman it has been submitted that the charge of theft has not been substantiated. The submission is that nobody had seen the concerned workman actually removing the iron sheet from the place where it was kept. Secondly it has been argued that at the time of domestic enquiry the karahi which had been taken away by the security men had not been produced. In this connection I may mention that the concerned workman was caught red handed after making the karahi and that after thorough enquiry it was established that he had taken away the iron sheet from the colliery. The reply to the charge sheet shows that the workman never admitted the theft but stated that the iron sheet belonged to the erstwhile owner. In this connection it may be mentioned that after nationalisation the property of the ex-owner also vested in the government company and therefore the iron sheet was the property of the management of that colliery. In course of evidence however the concerned workman has admitted that this iron sheet was placed on the nala for a long time and he and others used to take bath and wash their cloths on that sheet. He also admitted that he removed that sheet from the drain and brought to his dhowra and was preparing karahi out of that sheet when the security men came. His defence witness Sri Nanda Mahato has said that there was an iron sheet on the nala which the concerned workman, Shri Parmeshwar Mahato removed to his dhowra and was preparing karahi out of the same when the security men caught him. Another witness Sri Ashu Kole has made a similar statement. The management witnesses supported the fact that the concerned workman was seen making karahi out of that iron sheet which was used as a cover on the drain for a long time.

It will appear from the above that the concerned workman dishonestly removed the iron sheet for his own use although it was the property of the company where he was engaged as a labourer. Such an act is fully covered within the definition of theft as embodied in the Indian Penal Code.

No extenuating circumstance has been urged on behalf of the workmen. On the other hand, on behalf of the management it has been said that theft of property of the management is always regarded as very serious and in order to discourage workmen from committing such an act of theft, extreme punishment of dismissal is justified. I agree that no leniency could be afforded by the management in awarding punishment in such offences.

I therefore, hold that the action of the management of East Bhuggatdih colliery of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad in dismissing Shri Parmeshwar Mahato, miner/loader with effect from 15th September, 1976 is justified. The workman is, therefore, entitled to no relief.

This is my award.

J. P. SINGH, Presiding Officer

[No. L-20012/56/77-D. III(A)]

S. H. S. IYER, Desk Officer